



No. 81

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Public Health Act.

MR. TWEED

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 81

1931

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Public Health Amendment Act, 1931*.

Rev. Stat.,
c. 262,
amended. **2.** *The Public Health Act* is amended by adding thereto the following section:

Composition
of
mattresses,
etc.

84a.—(1) No person shall manufacture any mattress or other bedding material any part of which or of the contents of which has been used in a hospital, sanatorium or other institution or building for the treatment of persons suffering from sickness or disease.

Percentage
of used
material in
mattresses
to be stated.

(2) No person shall sell or offer or expose for sale any mattress or other bedding material which has been wholly or in part manufactured from used or second-hand material, unless such mattress or bedding material shall have firmly and conspicuously attached thereto a statement of the percentage of the material thereof which was composed of used or second-hand material.

Penalty.

(3) Any person who contravenes any of the provisions of this section shall incur a penalty of not less than \$50 nor more than \$100.

Commence-
ment of Act.

3. This Act shall come into force on the 1st day of January, 1932.

EXPLANATORY NOTE

The purpose of this amendment is to prevent danger to health being occasioned by the use in mattresses, etc., of material which has come from a hospital or similar institution and to require that mattresses manufactured from second-hand material should have a ticket thereon stating the percentage of the second-hand material therein.

BILL

An Act to amend The Public Health Act.

1st Reading

February 19th, 1931

2nd Reading

3rd Reading

MR. TWEED

No. 82

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Assessment Act.

MR. TWEED

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 238, s. 24,
subs. 6,
repealed.

1. Subsection 6 of section 24 of *The Assessment Act* is repealed and the following substituted therefor:

Variation
of roll in
cities and
towns.

(6) In a city or town the form may be varied so as to give any additional information required owing to changes in the boundaries of the municipality or other like causes, or so as to allow the same to be adapted to mechanical bookkeeping methods in the preparation of the roll; and columns may be omitted which are inapplicable to a city or town.

Rev. Stat.,
c. 238, s. 34,
subs. 1,
amended.

2. Subsection 1 of section 34 of *The Assessment Act* is amended by striking out the word "municipality" in the second line and inserting in lieu thereof the words "town, village and township."

Rev. Stat.,
c. 238, s. 34,
subs. 2,
repealed.

3. Subsection 2 of section 34 of the said Act is repealed.

Rev. Stat.,
c. 238, s. 102,
amended.

4. Section 102 of the said Act is amended by adding thereto the following subsection:

Variation
of tax roll in
cities and
towns.

(2a) In a city or town the form of the collector's roll may be varied so as to allow the same to be adapted to mechanical methods of accounting and book-keeping.

Rev. Stat.,
c. 238, s. 143,
subs. 1,
repealed.

5. Subsection 1 of section 143 of the said Act as re-enacted by section 8 of *The Assessment Amendment Act, 1929*, and amended by section 5 of *The Assessment Amendment Act, 1930*, is repealed and the following substituted therefor:

Percentage
to be added
to arrears in
cities of
100,000
and over.

(1) In cities having a population of not less than 100,000 the treasurer, or the collector if the rolls are unreturned, shall add to the amount of all taxes due and unpaid interest from the first day of May in the year

EXPLANATORY NOTES

Section 1. This amendment is to permit the making up of assessment rolls by means of book typewriters, etc., otherwise subsection 6 remains unchanged.

Sections 2 and 3. The object of these sections is to relieve assessors in cities from the duty of taking the school census.

Section 4. The purpose of this section is the same as that stated with respect to section 1.

Sections 5 and 6. The purpose is to repeal the amendment made in 1930 with respect to cities having a population of less than 100,000, and by the added subsection to make it optional for such cities to charge interest at 6% per annum on arrears of taxes as in cities of 100,000 population and over.

following the year in which such taxes are levied until such taxes are paid, at the rate of six per cent. per annum on taxes due in respect to any parcel of land and at the rate of six per cent. per annum on taxes due in respect to any business or income assessment, and such interest shall form part of the taxes and shall be collected irrespective of any percentage charge imposed under the provisions of section 111 of this Act.

Rev. Stat.,
c. 238, s. 143,
amended.

6. Section 143 of *The Assessment Act* is amended by adding thereto the following subsection:

Cities under
100,000 may
adopt
subs. 1.

- (3) The council of a city having a population of less than 100,000 instead of being bound by the provisions of subsection 2 may by by-law provide that the provisions of subsection 1 shall apply to such city; and such by-law shall remain in force from year to year until repealed.

BILL

An Act to amend The Assessment Act.

1st Reading

February 19th, 1931

2nd Reading

3rd Reading

MR. TWEED

No. 83

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Local Improvement Act.

MR. TWEED

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 83

1931

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 235, s. 46,
amended.

1. Section 46 of *The Local Improvement Act* is amended by adding thereto the following subsection:

Consolidat-
ing by-law
may
authorize
debentures
of different
terms of
years.

- (4) A consolidating by-law passed under subsection 1 may authorize the issue of debentures in one series notwithstanding that some of such debentures may be for different terms of years from the other debentures to be issued thereunder, provided the sum to be raised in each year under the consolidating by-law shall equal the aggregate of the sums which would have been raised under the separate by-laws had no consolidating by-law been passed.

EXPLANATORY NOTE

Section 1. The purpose of this amendment is to permit all local improvement debenture issues to be dealt with in one by-law notwithstanding that portions of the issues may be for a different period of years from the remaining portions thereof. Doubt exists as to the present power to do so.

BILL

An Act to amend The Local Improvement
Act.

1st Reading

February 19th, 1931

2nd Reading

3rd Reading

MR. TWEED

No. 84

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Lightning Rod Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 84

1931

BILL

An Act to amend The Lightning Rod Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Lightning Rod Act, 1931*.

Rev. Stat.,
c. 297,
amended.

2. *The Lightning Rod Act* is amended by adding thereto the following section:

When
Act not
to apply.

13. Nothing in this Act shall apply to or affect the installation of lightning rods on any building by the owner or occupant of the building where he himself does the work or the work is performed by his employees under his direction.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The section added is intended to make it clear that *The Lightning Rod Act*, which requires the licensing and regulating of lightning rod manufacturers and installers, shall not apply where an owner or occupant installs the lightning rods himself.

BILL

An Act to amend The Lightning Rod Act.

1st Reading

February 20th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 84

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Lightning Rod Act.

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TORONTO
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BILL

An Act to amend The Lightning Rod Act.

1st Reading

February 20th, 1931

2nd Reading

February 23rd, 1931

3rd Reading

March 18th, 1931

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to provide for Compensation to Blind Workmen for Injuries
Sustained and Industrial Diseases Contracted in the
course of their Employment.

MR. PRICE

BILL

An Act to provide for Compensation to Blind Workmen for Injuries Sustained and Industrial Diseases Contracted in the course
• of their Employment.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title, **1.** This Act may be cited as *The Blind Workmen's Compensation Act, 1931*.

Interpre-
tation.

2. In this Act,—

"Blind
workman."

(a) "Blind workman" shall mean a workman as defined by *The Workmen's Compensation Act* possessing a central visual acuity in his better eye reading 6-60 or 20-200 or less;

"Board."

(b) "Board" shall mean the Workmen's Compensation Board;

"Depart-
ment."

(c) "Department" shall mean the Department of the Provincial Treasurer;

"Employer."

(d) "Employer" shall mean an employer as defined by *The Workmen's Compensation Act* who has in his employ a blind workman;

"Full cost of
compensa-
tion."

(e) "Full cost of compensation" shall mean and include compensation burial expenses, the cost of furnishing medical aid and all other amounts payable under or by virtue of Part I of *The Workmen's Compensation Act* by reason of a blind workman meeting with an accident for which he would be entitled to compensation under the said Act, and shall include the capitalized sum or present value of the sum required as determined by the Board to provide for future payments of compensation to the pensioner or his dependants.

EXPLANATORY NOTES

The real purpose of this Act is to encourage the employment of blind workmen by relieving employers of the apprehension they might otherwise be under of employing blind workmen and thereby increasing the possibility of accident and cost of compensation.

Section 2. Interpretation section.

"Institute."

(f) "Institute" shall mean the Canadian National Institute for the Blind with head office situated in the city of Toronto.

Reimbursement to employers.

3. Where the full cost of compensation exceeds \$50, the Department shall in the case of industries coming under Schedule 1 of *The Workmen's Compensation Act* pay the same to the Board by way of reimbursement to the accident fund as defined by the said Act; and in the case of industries coming under Schedule 2, pay the same to the employer, such payment or payments to be made out of the Consolidated Revenue Fund upon receiving from the Board a certificate of the full cost of compensation, which certificate may be accepted by the Department without further proof.

Prior awards.
Rev. Stat.
c. 179.

4. In making any award to a blind workman for injury by accident under *The Workmen's Compensation Act*, the Board may have regard to any previous awards made him for injury under the said Act.

Assessments.

5. The assessment on an employer to be levied by the Board on the wages of a blind workman may be fixed by the Board at such an amount as may be deemed fair, having regard to the provisions of *The Workmen's Compensation Act*.

Proper placement.

6. The Institute shall have exclusive jurisdiction as to the nature of the work a blind workman shall do and as to the proper placement of such workman.

Waiver of rights in case of improper placement.

7. An employer giving employment to a blind workman without the consent or approval of the Institute, or changing the nature of such employment once approved by the Institute without the consent or approval of the Institute, shall be deemed to have waived all right to the benefit of this Act in respect to injury to such blind workman.

Access to blind workman.

8. Officers of the Institute shall have access at all times to the place of employment of a blind workman with the knowledge and consent of the superintendent or foreman.

Certificates or other requisitions.

9. The Institute shall provide the Board, upon request, with all such certificates or other material as may be required by the Board in the fulfilment of its duties.

Commencement of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 3. Under this section claims up to \$50 will be looked after by industries under Schedule 1 of *The Workmen's Compensation Act* and also by industries under Schedule 2. Compensation exceeding \$50 in both cases will be paid by the Province upon receipt of a certificate from the Board.

Section 4. This section enables the Board to consider any previous award it has made to a blind workman,—for example—a blind workman might be awarded one hundred per cent. disability by the Board and might return to employment and suffer, say the loss of a hand, and but for this section might conceivably be entitled to one hundred and forty per cent. or more disability which would be an anomaly.

Section 5. This section meets the contention an employer might raise that he was being assessed for the full wages of a blind workman while all that the Board would be paying out of the accident fund would be \$50.

Section 6. This section provides that no blind workman shall be under the Act until he has been properly placed by officers of the Institute.

Section 7. This section provides that no claim can be made in connection with a blind workman who has been given employment, or changed to another position without the consent or approval of the Institute.

Section 8. This gives the officers of the Institute the right of access to the blind workman's place of employment.

Section 9. This provides for certificates and material which may be required by the Board.

BILL

An Act to provide for Compensation to
Blind Workmen for Injuries Sustained
and Industrial Diseases Contracted in
the course of their Employment.

1st Reading

February 20th, 1931

2nd Reading

3rd Reading

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to provide for Compensation to Blind Workmen for Injuries
Sustained and Industrial Diseases Contracted in the
course of their Employment.

MR. PRICE

No. 85

1931

BILL

An Act to provide for Compensation to Blind Workmen for Injuries Sustained and Industrial Diseases Contracted in the course of their Employment.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Blind Workmen's Compensation Act, 1931*.

Interpre- **2.** In this Act,—
tation.

"Blind workman." (a) "Blind workman" shall mean a workman as defined by *The Workmen's Compensation Act* possessing a central visual acuity in his better eye reading 6-60 or 20-200 or less;

"Board." (b) "Board" shall mean the Workmen's Compensation Board;

"Department." (c) "Department" shall mean the Department of the Provincial Treasurer;

"Employer." (d) "Employer" shall mean an employer as defined by *The Workmen's Compensation Act* who has in his employ a blind workman;

"Full cost of compensation." (e) "Full cost of compensation" shall mean and include compensation burial expenses, the cost of furnishing medical aid and all other amounts payable under or by virtue of Part I of *The Workmen's Compensation Act* by reason of a blind workman meeting with an accident for which he would be entitled to compensation under the said Act, and shall include the capitalized sum or present value of the sum required as determined by the Board to provide for future payments of compensation to the pensioner or his dependants.

(f) "Institute" shall mean the Canadian National ^{"Institute."} Institute for the Blind with head office situated in the city of Toronto.

3. Where the full cost of compensation exceeds \$50, the Department shall in the case of industries coming under Schedule 1 of *The Workmen's Compensation Act* pay the same to the Board by way of reimbursement to the accident fund as defined by the said Act; and in the case of industries coming under Schedule 2, pay the same to the employer, such payment or payments to be made out of the Consolidated Revenue Fund upon receiving from the Board a certificate of the full cost of compensation, which certificate may be accepted by the Department without further proof. ^{Reimbursement to employers.}

4. In making any award to a blind workman for injury by accident under *The Workmen's Compensation Act*, the Board may have regard to any previous awards made him for injury under the said Act. ^{Prior awards. Rev. Stat. c. 179.}

5. The assessment on an employer to be levied by the Board on the wages of a blind workman may be fixed by the Board at such an amount as may be deemed fair, having regard to the provisions of *The Workmen's Compensation Act*. ^{Assessments.}

6.—(1) Subject to the provisions of subsection 2 the Institute shall have exclusive jurisdiction as to the nature of the work a blind workman shall do and as to the proper placement of such workman. ^{Proper placement.}

(2) Upon the recommendation of the Board the Lieutenant-Governor in Council may designate any other organization or institution to execute the powers and perform the duties assigned to the Institute under this Act and thereupon this Act shall be read as though the name of the organization or institution was substituted for the Institute. ^{Assignment of powers and duties of the Institute to other organizations.}

7. An employer giving employment to a blind workman without the consent or approval of the Institute, or changing the nature of such employment once approved by the Institute without the consent or approval of the Institute, shall be deemed to have waived all right to the benefit of this Act in respect to injury to such blind workman. ^{Waiver of rights in case of improper placement.}

8. Officers of the Institute shall have access at all times to the place of employment of a blind workman with the knowledge and consent of the superintendent or foreman. ^{Access to blind workman.}

9. The Institute shall provide the Board, upon request, with all such certificates or other material as may be required by the Board in the fulfilment of its duties. ^{Certificates or other requisitions.}

10. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

BILL

An Act to provide for Compensation to Blind Workmen for Injuries Sustained and Industrial Diseases Contracted in the course of their Employment.

1st Reading

February 20th, 1931

2nd Reading

March 13th, 1931

3rd Reading

March 23rd, 1931

MR. PRICE

No. 86

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. MCBRIEN

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 86

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s. 368,
amended.

1. Section 368 of *The Municipal Act* is amended by adding thereto the following subsection:

Aid to
widows and
children of
members of
police force
in certain
cases.

- (3) The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received or illness contracted in the discharge of their duties.

EXPLANATORY NOTE

The purpose of the amendment is self-explanatory. The present Act contains no power to enable the grants referred to to be made.

BILL

An Act to amend The Municipal Act.

1st Reading

February 23rd, 1931

2nd Reading

3rd Reading

MR. MCBRIEN

NO. 87

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. MCBRIEN

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 87

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s. 46,
subs. 7,
repealed.

1. Subsection 7 of section 46 of *The Municipal Act* is repealed and the following substituted therefor:

Council of
city of
Toronto.

- (7) Notwithstanding anything in any special Act the council of the city of Toronto shall consist of the mayor and four controllers to be elected by general vote, and three aldermen for each ward, except that if that part of the said city lying north of the right-of-way of the Toronto Belt Line Railway Company is made a separate ward there shall be two aldermen only for that ward.

EXPLANATORY NOTE

The object of this amendment is to provide for representation in the Toronto city council of a proposed new ward in a portion of the north part of the city.

BILL

An Act to amend The Municipal Act.

1st Reading

February 23rd, 1931

2nd Reading

3rd Reading

MR. MCBRIEN

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Mining Act.

MR. MCCREA

No. 88

1931

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Mining Act, 1931*.

Rev. Stat.,
c. 45,
amended. **2.** *The Mining Act* is amended by striking out the words "Forest Reserve" and "Crown Forest Reserve" wherever they occur in the said Act and inserting in lieu thereof the words "Provincial Forest."

Rev. Stat.,
c. 45, s. 36,
cl. b,
amended. **3.** The clause lettered *b* in section 36 of *The Mining Act* is amended by adding after the word "lands" in the third line the words "where the same have been located, sold, patented or leased after the 6th day of May, 1913," so that the said clause will now read as follows:

(*b*) Lands, the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands where the same have been located, sold, patented or leased after the 6th day of May, 1913.

Rev. Stat.,
c. 45, s. 39,
amended. **4.** Section 39 of *The Mining Act* as amended by section 4 of *The Mining Act, 1930*, is further amended by adding thereto the following clause:

(*f*) Where land is hereafter staked out and applied for as a mining claim but for use other than as mining land or the purposes of the mineral industry within the meaning of section 6 of this Act, the Lieutenant-Governor in Council may direct that the claim be cancelled, and on the filing of a copy of an Order-in-Council in that behalf with the recorder for the mining division in which the land is situate, the claim shall be cancelled and annulled.

EXPLANATORY NOTES

Section 2. The proposed change is to conform with the name adopted in *The Provincial Forests Act*.

Section 3. The proposed amendment provides for the taking up of mining rights where they have been reserved in lands patented since the date mentioned.

Section 4. The clause added is for the purpose of checking the practise of taking up lands for other purposes, under the guise of mining claims.

Rev. Stat.,
c. 45, ss. 47,
48 and 49,
repealed.

5. Sections 47, 48 and 49 of *The Mining Act* are repealed and the following substituted therefor:

Mining
lands in
Provincial
Forest not
to be sold.

47.—(1) Mining lands in a Provincial Forest shall not be sold or granted but a lease of the same may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each and every subsequent year, but the minimum rental shall be \$10 for the first year and \$4 for each subsequent year.

Lease to
be renew-
able.

(2) Every such lease shall be renewable in perpetuity for periods of not more than ten years at such rentals as may be provided and shall be subject to regulations made by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 45, s. 50,
repealed.

6. Section 50 of *The Mining Act* is repealed and the following substituted therefor:

Permit to be
obtained
from
Provincial
Forester
before
commence-
ment of
work.

1930, c. 60.

50.—(1) Before beginning or carrying on any work prescribed by this Act on any mining claim, the holder thereof in addition to any other requirement shall obtain from the Provincial Forester or other authorized officer a written permit entitling him so to do as provided in *The Forest Fires Prevention Act, 1930*.

Timber
licensee
to be
compen-
sated.

(2) If a mining claim is included in lands under timber license or for which a permit has been granted to cut timber, the holder of the claim shall compensate the timber licensee or person holding such permit for his interest in any timber cut or damaged thereon and any dispute between the holder of the mining claim and the timber licensee or person holding such permit in respect of the quantity or value of the timber so cut or damaged shall be disposed of by the Minister of Lands and Forests whose decision shall be final.

Rev. Stat.,
c. 45, s. 51,
repealed.

7. Section 51 of *The Mining Act* is repealed.

Rev. Stat.,
c. 45, s. 56,
amended.

8. Section 56 of *The Mining Act* is amended by striking out the words

“(b) more than three claims each for more than two other licensees”

and inserting in lieu thereof the following:

“(b) more than six claims for other licensees, being a maximum of nine claims in all, provided that not more than three claims shall be staked out or applied for on behalf of any such other licensee.”

Section 5. The proposed amendment regulates the issue of mining leases in Provincial Forests.

Section 6. By the proposed section a permit will be required from the Provincial Forester in order to do work on mining claims.

Section 7. The permitting or prohibiting of work on mining claims is now a function of the Provincial Forester.

Section 8. The proposed amendment enables single mining claims to be staked out by proxy instead of in groups of three as heretofore.

Rev. Stat.,
c. 45, s. 64,
subs. 4,
amended.

9. Subsection 4 of section 64 of *The Mining Act* is amended by striking out all the words after the word "it" in the sixth line so that the subsection will now read as follows:

Dispute
not to be
received
after
certificate
issued.

- (4) A dispute shall not be received or entered against any claim after a certificate of record thereof has been granted nor except by leave of the judge after the validity of the claim has been adjudicated upon by the recorder or by the judge, or after it has been on record for sixty days and has already had a dispute entered against it.

Rev. Stat.,
c. 45, s. 65,
amended.

10. Section 65 of *The Mining Act* is amended by adding thereto the following subsection:

Claim in
unsurveyed
territory
to be
surveyed.

- (3) A certificate of record shall not be issued in respect of a claim in unsurveyed territory until the same has been duly surveyed and the plans thereof filed as provided in section 105.

Rev. Stat.,
c. 45, s. 69,
repealed.

11. Section 69 of *The Mining Act* is repealed and the following substituted therefor:

Free
assays to
be given
licensee.

69. Every licensee who stakes out and records a mining claim shall be given by the recorder two free assay coupons on recording the same and two additional free assay coupons on recording each forty days work thereafter, and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, he shall be entitled to have the same assayed without charge as follows: for one coupon, one assay for gold, silver, copper, lead or metallic iron; for two coupons, one assay for nickel, zinc, tin or tungsten; and for three coupons, one assay for cobalt.

Rev. Stat.,
c. 45, s. 70,
amended.

12. Section 70 of *The Mining Act* is amended by striking out the words "belonging to him" in the fifth line so that the section will now read as follows:

Where claim
abandoned,
cancelled or
forfeited.

70. Where the recorded holder of a mining claim abandons the same or where the claim is cancelled or forfeited under this Act, he may take from the same any machinery, chattels or personal property and any ore or mineral he may have extracted therefrom within six months after such abandonment, cancellation or forfeiture, or within such further time as may be fixed by the judge. Any such machinery, property or ore remaining on the claim after the expiry of such time shall belong to His Majesty for the use of Ontario.

Section 9. The retroactive provision repealed is no longer necessary.

Section 10. This is already the practice of the Mines Department.

Section 11. The proposed section regulates the issue of free assay coupons.

Section 12. The words deleted are inappropriate since the title remains in the Crown.

Rev. Stat.,
c. 45, s. 81,
amended.

13. Section 81 of *The Mining Act* is amended by striking out the clauses lettered *b*, *c* and *d*, the clause lettered *e* as re-enacted by subsection 1 of section 2 of *The Mining Act, 1929*, and the words added by subsection 2 of section 2 of *The Mining Act, 1929*, and substituting therefor the following:

Periods
excluded
in comput-
ing time for
performance
of working
conditions.

- (b) For the first instalment of work, between the 16th day of November and the 15th day of April, both days inclusive, but this shall not have the effect of extending the time for the performance of any subsequent instalment of work.
- (c) If the Provincial Forester or other authorized officer refuses to issue a permit for the beginning or carrying on of work prescribed by this Act, or prohibits its performance, the time during which such refusal or prohibition subsists, and the claimholder shall have an additional period of time for the performance of the work equal in length to the time such refusal or prohibition remains in force.

Rev. Stat.,
c. 45, s. 88,
subs. 1,
amended.

14.—(1) Subsection 1 of section 88 of *The Mining Act* as amended by section 3 of *The Mining Act, 1929*, is amended by striking out the word "three" where it occurs in the second line of the subsection and in the words added by the said amendment and inserting in lieu thereof the word "six," and by striking out the figures "\$10" in the last line of the said subsection and inserting in lieu thereof the figures "\$3," so that the subsection will now read as follows:

Relief
against
forfeiture.

- (1) Where forfeiture or loss of rights has occurred under section 87, the judge within six months after default, or the Minister at any time after such six months on report of the judge, may upon such terms as he may deem just make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revest in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 87, the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause *d* of the said subsection, the holder shall file a proper report and pay therewith a special fee of \$3.

Rev. Stat.,
c. 45, s. 88,
amended.

(2) The said section 88 is further amended by adding thereto the following subsection:

Section 13. The proposed amendment provides that where the Provincial Forester refuses to permit work on a mining claim the time during which such refusal subsists shall not run against the claim holder.

Section 14.—(1) The proposed amendment authorizes the Judge of the Mining Court to relieve from forfeiture within six months after default, instead of three, and reduces the penalty for belated report of work.

(2) The proposed subsection enables the Judge of the Mining Court, before actual forfeiture, to extend the time for complying with the requirements of *The Mining Act*.

Extension of
time for
performance
of work or
payment of
money.

- (3) On application to him not earlier than thirty days before the date by which any work on a mining claim prescribed by this Act should be performed, or the date by which the money required for a patent or lease of the same should be paid, the judge may extend the time for performing the work or paying the money, as the case may be.

Rev. Stat.,
c. 45, s. 108,
subs. 2,
amended.

- 15.** Subsection 2 of section 108 of *The Mining Act* is amended by striking out the words "Director of Surveys" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "Surveyor General."

Rev. Stat.,
c. 45, s. 114,
repealed.

- 16.** Section 114 of *The Mining Act* is repealed and the following substituted therefor:

Rights,
liabilities,
etc., of
partnership
to remain
in force.

114. All rights, liabilities and conditions pertaining to mining partnerships heretofore formed under this Act or any Act for which this Act was substituted, shall remain in full force and virtue until the expiry thereof as provided in the certificate of mining partnership.

Rev. Stat.,
c. 45, s. 175,
cl. f,
amended.

- 17.** The clause lettered *f* in section 175 of *The Mining Act* is amended by striking out the words "a quarry claim or" in the second line and the words "working permit or" in the third line so that the clause will now read as follows:

- (f) Unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim or an area for a boring permit; or.

Rev. Stat.,
c. 45, s. 185,
subs. 2,
amended.

- 18.** Subsection 2 of section 185 of *The Mining Act* is amended by inserting after the word "same" in the fourth line the words "nor until in the case where injury or damage has already been suffered, compensation has been determined by the judge, and the amount of the award paid," so that the subsection will now read as follows:

Compensa-
tion.

- (2) No such right shall be granted unless any injury or damage caused to any other person thereby can be adequately compensated for, nor unless in all the circumstances it seems reasonable and fitting to grant the same, nor until in the case where injury or damage has already been suffered compensation has been determined by the judge, and in the exercise of any right so granted no unnecessary injury or damage shall be done to the land, property, rights or interests of other persons, and all injury and damage which may be caused to any person by the granting and exercise of any right obtained under this section shall be fully compensated for.

Section 15. This amendment is necessary to conform to the designation in *The Public Lands Act*.

Section 16. This abolishes mining partnerships but provides for the continuation of those now in force.

Section 17. Change in wording only.

Section 18. This amendment enables the Judge of the Mining Court to award for past damages.

Rev. Stat.,
c. 45,
schedule
"A,"
Item 22,
amended.

19.—(1) Item 22 in the schedule of fees to *The Mining Act* is amended by striking out the words "working permit or" in the second and third lines.

Rev. Stat.,
c. 45, sche-
dule "A,"
Item 25,
amended.

(2) Item 25 of the said schedule of fees is amended by striking out the figures "\$10" at the end and inserting in lieu thereof the words and figures "per claim, \$3."

Rev. Stat.,
c. 45, sche-
dule "A,"
Item 27,
amended.

(3) Item 27 of the said schedule of fees is amended by striking out the figures "\$1" at the end and inserting in lieu thereof the figures "\$3."

Commence-
ment of Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 19. Self-explanatory.

BILL

An Act to amend The Mining Act.

1st Reading

February 24th, 1931

2nd Reading

3rd Reading

MR. MCCREA

No. 88

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Mining Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Mining Act, 1931*.

Rev. Stat.,
c. 45,
amended. **2.** *The Mining Act* is amended by striking out the words "Forest Reserve" and "Crown Forest Reserve" wherever they occur in the said Act and inserting in lieu thereof the words "Provincial Forest."

Rev. Stat.,
c. 45, s. 36,
cl. b,
amended. **3.** The clause lettered *b* in section 36 of *The Mining Act* is amended by adding after the word "lands" in the third line the words "where the same have been located, sold, patented or leased after the 6th day of May, 1913," so that the said clause will now read as follows:

(b) Lands, the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands where the same have been located, sold, patented or leased after the 6th day of May, 1913.

Rev. Stat.,
c. 45, s. 39,
amended. **4.** Section 39 of *The Mining Act* as amended by section 4 of *The Mining Act, 1930*, is further amended by adding thereto the following clause:

(f) Where land is hereafter staked out and applied for as a mining claim but for use other than as mining land or the purposes of the mineral industry within the meaning of section 6 of this Act, the Lieutenant-Governor in Council may direct that the claim be cancelled, and on the filing of a copy of an Order-in-Council in that behalf with the recorder for the mining division in which the land is situate, the claim shall be cancelled and annulled.

EXPLANATORY NOTES

Section 2. The proposed change is to conform with the name adopted in *The Provincial Forests Act*.

Section 3. The proposed amendment provides for the taking up of mining rights where they have been reserved in lands patented since the date mentioned.

Section 4. The clause added is for the purpose of checking the practise of taking up lands for other purposes, under the guise of mining claims.

Rev. Stat.,
c. 45, ss. 47,
48 and 49,
repealed.

5. Sections 47, 48 and 49 of *The Mining Act* are repealed and the following substituted therefor:

Mining
lands in
Provincial
Forest not
to be sold.

47.—(1) Mining lands in a Provincial Forest shall not be sold or granted but a lease of the same may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each and every subsequent year, but the minimum rental shall be \$10 for the first year and \$4 for each subsequent year.

Lease to
be renew-
able.

(2) Every such lease shall be renewable in perpetuity for periods of not more than ten years at such rentals as may be provided and shall be subject to regulations made by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 45, s. 50,
repealed.

6. Section 50 of *The Mining Act* is repealed and the following substituted therefor:

Permit to be
obtained
from
Provincial
Forester
before
commence-
ment of
work.

1930, c. 60.

50.—(1) Before beginning or carrying on any work prescribed by this Act on any mining claim, the holder thereof in addition to any other requirement shall obtain from the Provincial Forester or other authorized officer a written permit entitling him so to do as provided in *The Forest Fires Prevention Act, 1930*.

Timber
licensee
to be
compen-
sated.

(2) If a mining claim is included in lands under timber license or for which a permit has been granted to cut timber, the holder of the claim shall compensate the timber licensee or person holding such permit for his interest in any timber cut or damaged thereon and any dispute between the holder of the mining claim and the timber licensee or person holding such permit in respect of the quantity or value of the timber so cut or damaged shall be disposed of by the Minister of Lands and Forests whose decision shall be final.

Rev. Stat.,
c. 45, s. 51,
repealed.

7. Section 51 of *The Mining Act* is repealed.

Rev. Stat.,
c. 45, s. 56,
amended.

8. Section 56 of *The Mining Act* is amended by striking out the words

“(b) more than three claims each for more than two other licensees”

and inserting in lieu thereof the following:

“(b) more than six claims for other licensees, being a maximum of nine claims in all, provided that not more than three claims shall be staked out or applied for on behalf of any such other licensee.”

Section 5. The proposed amendment regulates the issue of mining leases in Provincial Forests.

Section 6. By the proposed section a permit will be required from the Provincial Forester in order to do work on mining claims.

Section 7. The permitting or prohibiting of work on mining claims is now a function of the Provincial Forester.

Section 8. The proposed amendment enables single mining claims to be staked out by proxy instead of in groups of three as heretofore.

Rev. Stat.,
c. 45, s. 64,
subs. 4,
amended.

9. Subsection 4 of section 64 of *The Mining Act* is amended by striking out all the words after the word "it" in the sixth line so that the subsection will now read as follows:

Dispute
not to be
received
after
certificate
issued.

- (4) A dispute shall not be received or entered against any claim after a certificate of record thereof has been granted nor except by leave of the judge after the validity of the claim has been adjudicated upon by the recorder or by the judge, or after it has been on record for sixty days and has already had a dispute entered against it.

Rev. Stat.,
c. 45, s. 65,
amended.

10. Section 65 of *The Mining Act* is amended by adding thereto the following subsection:

Claim in
unsurveyed
territory
to be
surveyed.

- (3) A certificate of record shall not be issued in respect of a claim in unsurveyed territory until the same has been duly surveyed and the plans thereof filed as provided in section 105.

Rev. Stat.,
c. 45, s. 69,
repealed.

11. Section 69 of *The Mining Act* is repealed and the following substituted therefor:

Free
assays to
be given
licensee.

69. Every licensee who stakes out and records a mining claim shall be given by the recorder two free assay coupons on recording the same and two additional free assay coupons on recording each forty days work thereafter, and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, he shall be entitled to have the same assayed without charge as follows: for one coupon, one assay for gold, silver, copper, lead or metallic iron; for two coupons, one assay for nickel, zinc, tin or tungsten; and for three coupons, one assay for cobalt.

Rev. Stat.,
c. 45, s. 70,
amended.

12. Section 70 of *The Mining Act* is amended by striking out the words "belonging to him" in the fifth line so that the section will now read as follows:

Where claim
abandoned,
cancelled or
forfeited.

70. Where the recorded holder of a mining claim abandons the same or where the claim is cancelled or forfeited under this Act, he may take from the same any machinery, chattels or personal property and any ore or mineral he may have extracted therefrom within six months after such abandonment, cancellation or forfeiture, or within such further time as may be fixed by the judge. Any such machinery, property or ore remaining on the claim after the expiry of such time shall belong to His Majesty for the use of Ontario.

Section 9. The retroactive provision repealed is no longer necessary

Section 10. This is already the practice of the Mines Department.

Section 11. The proposed section regulates the issue of free assay coupons.

Section 12. The words deleted are inappropriate since the title remains in the Crown.

Rev. Stat.,
c. 45, s. 81,
amended.

13. Section 81 of *The Mining Act* is amended by striking out the clauses lettered *b*, *c* and *d*, the clause lettered *e* as re-enacted by subsection 1 of section 2 of *The Mining Act, 1929*, and the words added by subsection 2 of section 2 of *The Mining Act, 1929*, and substituting therefor the following:

Periods
excluded
in comput-
ing time for
performance
of working
conditions.

- (b) For the first instalment of work, between the 16th day of November and the 15th day of April, both days inclusive, but this shall not have the effect of extending the time for the performance of any subsequent instalment of work.

- (c) If the Provincial Forester or other authorized officer refuses to issue a permit for the beginning or carrying on of work prescribed by this Act, or prohibits its performance, the time during which such refusal or prohibition subsists.

Rev. Stat.,
c. 45, s. 88,
subs. 1,
amended.

14.—(1) Subsection 1 of section 88 of *The Mining Act* as amended by section 3 of *The Mining Act, 1929*, is amended by striking out the word "three" where it occurs in the second line of the subsection and in the words added by the said amendment and inserting in lieu thereof the word "six," and by striking out the figures "\$10" in the last line of the said subsection and inserting in lieu thereof the figures "\$3," so that the subsection will now read as follows:

Relief
against
forfeiture.

- (1) Where forfeiture or loss of rights has occurred under section 87, the judge within six months after default, or the Minister at any time after such six months on report of the judge, may upon such terms as he may deem just make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revert in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 87, the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause *d* of the said subsection, the holder shall file a proper report and pay therewith a special fee of \$3.

Rev. Stat.,
c. 45, s. 88,
amended.

(2) The said section 88 is further amended by adding thereto the following subsection:

Section 13. The proposed amendment provides that where the Provincial Forester refuses to permit work on a mining claim the time during which such refusal subsists shall not run against the claim holder.

Section 14.—(1) The proposed amendment authorizes the Judge of the Mining Court to relieve from forfeiture within six months after default, instead of three, and reduces the penalty for belated report of work.

(2) The proposed subsection enables the Judge of the Mining Court, before actual forfeiture, to extend the time for complying with the requirements of *The Mining Act*.

Extension of
time for
performance
of work or
payment of
money.

- (3) On application to him by an interested holder not earlier than thirty days before the date by which any work on a mining claim prescribed by this Act should be performed, or the date by which the money required for a patent or lease of the same should be paid, the judge may extend the time for performing the work or paying the money, as the case may be.

Rev. Stat.,
c. 45, s. 108,
subs. 2,
amended.

15. Subsection 2 of section 108 of *The Mining Act* is amended by striking out the words "Director of Surveys" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "Surveyor General."

Rev. Stat.,
c. 45, s. 114,
repealed.

16. Section 114 of *The Mining Act* is repealed and the following substituted therefor:

Rights,
liabilities,
etc., of
partnership
to remain
in force.

114. All rights, liabilities and conditions pertaining to mining partnerships heretofore formed under this Act or any Act for which this Act was substituted, shall remain in full force and virtue until the expiry thereof as provided in the certificate of mining partnership.

Rev. Stat.,
c. 45, s. 175,
cl. f,
amended.

17. The clause lettered *f* in section 175 of *The Mining Act* is amended by striking out the words "a quarry claim or" in the second line and the words "working permit or" in the third line so that the clause will now read as follows:

- (f) Unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim or an area for a boring permit; or.

Rev. Stat.,
c. 45, s. 185,
subs. 2,
amended.

18. Subsection 2 of section 185 of *The Mining Act* is amended by inserting after the word "same" in the fourth line the words "nor until in the case where injury or damage has already been suffered, compensation has been determined by the judge, and the amount of the award paid," so that the subsection will now read as follows:

Compensa-
tion.

- (2) No such right shall be granted unless any injury or damage caused to any other person thereby can be adequately compensated for, nor unless in all the circumstances it seems reasonable and fitting to grant the same, nor until in the case where injury or damage has already been suffered compensation has been determined by the judge, and in the exercise of any right so granted no unnecessary injury or damage shall be done to the land, property, rights or interests of other persons, and all injury and damage which may be caused to any person by the granting and exercise of any right obtained under this section shall be fully compensated for.

Section 15. This amendment is necessary to conform to the designation in *The Public Lands Act*.

Section 16. This abolishes mining partnerships but provides for the continuation of those now in force.

Section 17. Change in wording only.

Section 18. This amendment enables the Judge of the Mining Court to award for past damages.

Rev. Stat.,
c. 45,
schedule
"A,"
Item 22,
amended.

19.—(1) Item 22 in the schedule of fees to *The Mining Act* is amended by striking out the words "working permit or" in the second and third lines.

Rev. Stat.,
c. 45, sche-
dule "A,"
Item 25,
amended.

(2) Item 25 of the said schedule of fees is amended by striking out the figures "\$10" at the end and inserting in lieu thereof the words and figures "per claim, \$3."

Rev. Stat.,
c. 45, sche-
dule "A,"
Item 27,
amended.

(3) Item 27 of the said schedule of fees is amended by striking out the figures "\$1" at the end and inserting in lieu thereof the figures "\$3."

Commence-
ment of Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 19. Self-explanatory.

An Act to amend The Mining Act.

1st Reading

February 24th, 1931

2nd Reading

February 26th, 1931

3rd Reading

MR. MCCREA

*(Reprinted as amended in Committee of the
Whole House.)*

No. 88

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Mining Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 88

1931

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Mining Act, 1931*.

Rev. Stat.,
c. 45, s. 36,
amended. **2.** *The Mining Act* is amended by striking out the words "Forest Reserve" and "Crown Forest Reserve" wherever they occur in the said Act and inserting in lieu thereof the words "Provincial Forest."

Rev. Stat.,
c. 45, s. 36,
cl. b,
amended. **3.** The clause lettered *b* in section 36 of *The Mining Act* is amended by adding after the word "lands" in the third line the words "where the same have been located, sold, patented or leased after the 6th day of May, 1913," so that the said clause will now read as follows:

(b) Lands, the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands where the same have been located, sold, patented or leased after the 6th day of May, 1913.

Rev. Stat.,
c. 45, s. 39,
amended. **4.** Section 39 of *The Mining Act* as amended by section 4 of *The Mining Act, 1930*, is further amended by adding thereto the following clause:

(f) Where land is hereafter staked out and applied for as a mining claim but for use other than as mining land or the purposes of the mineral industry within the meaning of section 6 of this Act, the Lieutenant-Governor in Council may direct that the claim be cancelled, and on the filing of a copy of an Order-in-Council in that behalf with the recorder for the mining division in which the land is situate, the claim shall be cancelled and annulled.

5. Sections 47, 48 and 49 of *The Mining Act* are repealed and the following substituted therefor: Rev. Stat., c. 45, ss. 47, 48 and 49, repealed.

47.—(1) Mining lands in a Provincial Forest shall not be sold or granted but a lease of the same may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and 25 cents per acre for each and every subsequent year, but the minimum rental shall be \$10 for the first year and \$4 for each subsequent year. Mining lands in Provincial Forest not to be sold.

(2) Every such lease shall be renewable in perpetuity for periods of not more than ten years at such rentals as may be provided and shall be subject to regulations made by the Lieutenant-Governor in Council. Lease to be renewable.

6. Section 50 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 45, s. 50, repealed.

50.—(1) Before beginning or carrying on any work prescribed by this Act on any mining claim, the holder thereof in addition to any other requirement shall obtain from the Provincial Forester or other authorized officer a written permit entitling him so to do as provided in *The Forest Fires Prevention Act*, 1930, c. 60. Permit to be obtained from Provincial Forester before commencement of work.

(2) If a mining claim is included in lands under timber license or for which a permit has been granted to cut timber, the holder of the claim shall compensate the timber licensee or person holding such permit for his interest in any timber cut or damaged thereon and any dispute between the holder of the mining claim and the timber licensee or person holding such permit in respect of the quantity or value of the timber so cut or damaged shall be disposed of by the Minister of Lands and Forests whose decision shall be final. Timber licensee to be compensated.

7. Section 51 of *The Mining Act* is repealed. Rev. Stat., c. 45, s. 51, repealed.

8. Section 56 of *The Mining Act* is amended by striking out the words Rev. Stat., c. 45, s. 56, amended.

“(b) more than three claims each for more than two other licensees”

and inserting in lieu thereof the following:

“(b) more than six claims for other licensees, being a maximum of nine claims in all, provided that not more than three claims shall be staked out or applied for on behalf of any such other licensee.”

Rev. Stat.,
c. 45, s. 64,
subs. 4,
amended.

9. Subsection 4 of section 64 of *The Mining Act* is amended by striking out all the words after the word "it" in the sixth line so that the subsection will now read as follows:

Dispute
not to be
received
after
certificate
issued.

- (4) A dispute shall not be received or entered against any claim after a certificate of record thereof has been granted nor except by leave of the judge after the validity of the claim has been adjudicated upon by the recorder or by the judge, or after it has been on record for sixty days and has already had a dispute entered against it.

Rev. Stat.,
c. 45, s. 65,
amended.

10. Section 65 of *The Mining Act* is amended by adding thereto the following subsection:

Claim in
unsurveyed
territory
to be
surveyed.

- (3) A certificate of record shall not be issued in respect of a claim in unsurveyed territory until the same has been duly surveyed and the plans thereof filed as provided in section 105.

Rev. Stat.,
c. 45, s. 69,
repealed.

11. Section 69 of *The Mining Act* is repealed and the following substituted therefor:

Free
assays to
be given
licensee.

69. Every licensee who stakes out and records a mining claim shall be given by the recorder two free assay coupons on recording the same and two additional free assay coupons on recording each forty days work thereafter, and on forwarding or delivering, charges prepaid, samples from the mining claim to the Provincial Assayer, Toronto, together with the required number of coupons, he shall be entitled to have the same assayed without charge as follows: for one coupon, one assay for gold, silver, copper, lead or metallic iron; for two coupons, one assay for nickel, zinc, tin or tungsten; and for three coupons, one assay for cobalt.

Rev. Stat.,
c. 45, s. 70,
amended.

12. Section 70 of *The Mining Act* is amended by striking out the words "belonging to him" in the fifth line so that the section will now read as follows:

Where claim
abandoned,
cancelled or
forfeited.

70. Where the recorded holder of a mining claim abandons the same or where the claim is cancelled or forfeited under this Act, he may take from the same any machinery, chattels or personal property and any ore or mineral he may have extracted therefrom within six months after such abandonment, cancellation or forfeiture, or within such further time as may be fixed by the judge. Any such machinery, property or ore remaining on the claim after the expiry of such time shall belong to His Majesty for the use of Ontario.

13. Section 81 of *The Mining Act* is amended by striking out the clauses lettered *b*, *c* and *d*, the clause lettered *e* as re-enacted by subsection 1 of section 2 of *The Mining Act, 1929*, and the words added by subsection 2 of section 2 of *The Mining Act, 1929*, and substituting therefor the following:

- (b) For the first instalment of work, between the 16th day of November and the 15th day of April, both days inclusive, but this shall not have the effect of extending the time for the performance of any subsequent instalment of work.
- (c) If the Provincial Forester or other authorized officer refuses to issue a permit for the beginning or carrying on of work prescribed by this Act, or prohibits its performance, the time during which such refusal or prohibition subsists.

14.—(1) Subsection 1 of section 88 of *The Mining Act* as amended by section 3 of *The Mining Act, 1929*, is amended by striking out the word "three" where it occurs in the second line of the subsection and in the words added by the said amendment and inserting in lieu thereof the word "six," and by striking out the figures "\$10" in the last line of the said subsection and inserting in lieu thereof the figures "\$3," so that the subsection will now read as follows:

- (1) Where forfeiture or loss of rights has occurred under section 87, the judge within six months after default, or the Minister at any time after such six months on report of the judge, may upon such terms as he may deem just make an order relieving the person in default from such forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed the interest or rights forfeited or lost shall revert in the person so relieved, but as a term of such order in the case mentioned in clause *a* of subsection 1 of section 87, the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause *d* of the said subsection, the holder shall file a proper report and pay therewith a special fee of \$3.

(2) The said section 88 is further amended by adding thereto the following subsection:

Extension of
time for
performance
of work or
payment of
money.

- (3) On application to him by an interested holder not earlier than thirty days before the date by which any work on a mining claim prescribed by this Act should be performed, or the date by which the money required for a patent or lease of the same should be paid, the judge may extend the time for performing the work or paying the money, as the case may be.

Rev. Stat.,
c. 45, s. 108,
subs. 2,
amended.

- 15.** Subsection 2 of section 108 of *The Mining Act* is amended by striking out the words "Director of Surveys" in the fourteenth and fifteenth lines and inserting in lieu thereof the words "Surveyor General."

Rev. Stat.,
c. 45, s. 114,
repealed.

- 16.** Section 114 of *The Mining Act* is repealed and the following substituted therefor:

Rights,
liabilities,
etc., of
partnership
to remain
in force.

114. All rights, liabilities and conditions pertaining to mining partnerships heretofore formed under this Act or any Act for which this Act was substituted, shall remain in full force and virtue until the expiry thereof as provided in the certificate of mining partnership.

Rev. Stat.,
c. 45, s. 175,
cl. f,
amended.

- 17.** The clause lettered *f* in section 175 of *The Mining Act* is amended by striking out the words "a quarry claim or" in the second line and the words "working permit or" in the third line so that the clause will now read as follows:

- (f) Unlawfully marks or stakes out in whole or in part a mining claim, a placer mining claim or an area for a boring permit; or.

Rev. Stat.,
c. 45, s. 185,
subs. 2,
amended.

- 18.** Subsection 2 of section 185 of *The Mining Act* is amended by inserting after the word "same" in the fourth line the words "nor until in the case where injury or damage has already been suffered, compensation has been determined by the judge, and the amount of the award paid," so that the subsection will now read as follows:

Compensa-
tion.

- (2) No such right shall be granted unless any injury or damage caused to any other person thereby can be adequately compensated for, nor unless in all the circumstances it seems reasonable and fitting to grant the same, nor until in the case where injury or damage has already been suffered compensation has been determined by the judge, and in the exercise of any right so granted no unnecessary injury or damage shall be done to the land, property, rights or interests of other persons, and all injury and damage which may be caused to any person by the granting and exercise of any right obtained under this section shall be fully compensated for.

19.—(1) Item 22 in the schedule of fees to *The Mining Act* is amended by striking out the words "working permit or" in the second and third lines.

Rev. Stat.,
c. 45,
schedule
"A,"
Item 22,
amended.

(2) Item 25 of the said schedule of fees is amended by striking out the figures "\$10" at the end and inserting in lieu thereof the words and figures "per claim, \$3."

Rev. Stat.,
c. 45, sche-
dule "A,"
Item 25,
amended.

(3) Item 27 of the said schedule of fees is amended by striking out the figures "\$1" at the end and inserting in lieu thereof the figures "\$3."

Rev. Stat.,
c. 45, sche-
dule "A,"
Item 27,
amended.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

BILL

An Act to amend The Mining Act.

1st Reading

February 24th, 1931

2nd Reading

February 26th, 1931

3rd Reading

March 31st, 1931

MR. MCCREA

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Assessment Act.

MR. HONEYWELL

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 89

1931

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 238,
ss. 2, 3,
amended.

1. Sections 2 and 3 of *The Assessment Act* are amended by adding at the beginning of each of the said sections the words "Subject to the provisions of any by-law passed under the authority of section 41a exempting income from assessment and taxation."

Rev. Stat.,
c. 238,
amended.

2. *The Assessment Act* is amended by adding thereto the following section:

Power to
pass by-law
exempting
income from
taxation.

41a.—(1) The council of any municipality by a two-third vote of all the members may before the first day of November in any year pass a by-law exempting from assessment and taxation for all municipal purposes, including school purposes, all income which would otherwise be liable to assessment and taxation under the provisions of this Act.

Force of
by-law.

(2) The by-law shall come into force on the first day of January following its passing and shall remain in force from year to year until it is repealed.

Repeal.

(3) The by-law may be repealed in any year prior to the first day of November by a two-thirds vote of all the members of the council and the repealing by-law shall come into force on the first day of January following its passing.

Case of
municipalities
assessing
and
taxing in
different
years.

(4) In municipalities which make the assessment in one year for the next succeeding year as provided by sections 59 and 60 the by-law, including the repealing by-law, shall for the first year following its passing apply only to the assessment made in that year and not to taxes levied in that year.

EXPLANATORY NOTE

This is exactly the same as Bill No. 114 which was introduced into the Assembly in 1930. The object of the Bill is to give municipalities local option in the matter of imposing income tax.

BILL.

An Act to amend The Assessment Act.

1st Reading

February 25th, 1931

2nd Reading

3rd Reading

MR. HONEYWELL

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Optometry Act.

MR. HONEYWELL

No. 90

1931

BILL

An Act to amend The Optometry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Optometry Act, 1931*.

Rev. Stat.,
c. 215
amended. **2.** Section 1 of *The Optometry Act* is amended by adding thereto the following clauses:

Inter-
pretation,
"Ophthalmic
lens."

(c) "Ophthalmic lens" shall mean any form of lens or prism or the combination of the same, devised for the relief or correction of any visual or muscular error or defect of the eye.

"Opto-
metry."

(d) "Optometry" shall mean the measurement of or the attempt to measure by any means the refractive or muscular condition of the eye, the prescribing of any ophthalmic lens or lenses or the prescribing of any spectacles or eye-glasses or ocular calisthenics to any person for the relief or correction of any visual or muscular error or defect of the eye.

"Opto-
metrist."

(e) "Optometrist" shall mean any person who practises optometry as herein defined.

"Optician."

(f) "Optician" shall mean any person who dispenses any ophthalmic lens or lenses or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or repairs the same, or fills any optometrist's or oculist's prescription for any such lenses, spectacles or eye-glasses.

"Prescribe."

(g) Without in any way limiting the generality of the term "prescribe" it shall in this Act also be deemed to include the self-measurement by any person of the refractive or muscular condition of the eye if such measurement shall be made by means of any

EXPLANATORY NOTES

This bill follows the Bills introduced in 1929 and 1930 with some few exceptions.

Section 2. Interpretation Section is amended by inserting some definitions which experience has shown to be necessary in administering the Act.

mechanical instrument supplied or loaned for the purpose, and the person who supplies the instrument or loans the same, and his agent, shall be deemed to "prescribe" within the meaning of this Act.

Rev. Stat.,
c. 215, s. 8,
sub. 1,
amended.

3.—(1) Subsection 1 of section 8 of *The Optometry Act* is amended by striking out the word "found" in the third line thereof.

Rev. Stat.,
c. 215, s. 8,
amended.

(2) The said section 8 is further amended by adding thereto the following subsections:

Powers of
Board on
inquiry.

(3) For the purposes of any inquiry under this section the Board shall have and may exercise all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act* including the power to summon witnesses and compel their attendance, to take affidavits under oath and call for the production of books, documents, papers and things.

Rev. Stat.,
c. 20.

Appeal
to Supreme
Court judge.

(4) An appeal shall lie, by way of originating notice, from any order or decision of the Board under this Act to a judge of the Supreme Court who may receive such evidence, give such directions for the conduct of the proceedings and make such order or decision thereon as he may deem just, and his decision shall be final and shall not be subject to an appeal.

Rev. Stat.,
c. 215, s. 9,
repealed.

4. Section 9 of *The Optometry Act* is repealed and the following substituted therefor:

Offences.

9.—(1) Every person,—

(a) Not being the holder of a certificate under this Act who practises optometry or as an optician, or appends to his name the term "optometrist" or "optician" or any abbreviation thereof, or wilfully or falsely pretends to be, or wilfully or falsely takes or uses any name, title, addition, abbreviation or description implying, or calculated to lead any person to believe, that he is or is recognized by law as an optometrist or optician as the case may be, or that he is registered or possesses a certificate as an optometrist or optician under this Act, or

(b) Whether he is the holder of a certificate under this Act or not, who has been prohibited by

Section 3 gives the Board some powers which are necessary to hold investigations into the conduct of licensees and which resemble to some extent provision of other Acts, in which disciplinary powers are given to the Board.

Section 4. Clause (c) is new and is aimed at what are known as Mail Order Houses.

the Board from the practising as an optometrist or optician and disobeys such prohibition, or

- (c) Whether he is the holder of a certificate under this Act or not, who, except in cases of replacement or duplication, sells or offers to sell by mail, or sells or offers to sell through an agent or travelling salesman, or prescribes by mail or through an agent or travelling salesman, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or
- (d) Whether he is the holder of a certificate under this Act or not, who causes to be printed or published or distributed any false or misleading advertisement with respect to the sale of any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye

Penalties.

shall be guilty of an offence and shall incur a penalty of not more than \$100 or less than \$10 for the first offence, and not more than \$500 or less than \$25 for the second offence.

Application
of Rev. Stat.,
c. 121.

- (2) *The Summary Convictions Act* shall apply to offences under this Act.

Rev. Stat.,
c. 215, s. 10,
repealed.

5. Section 10 of *The Optometry Act* is repealed and the following substituted therefor:

Exemption
from
operation
of Act.

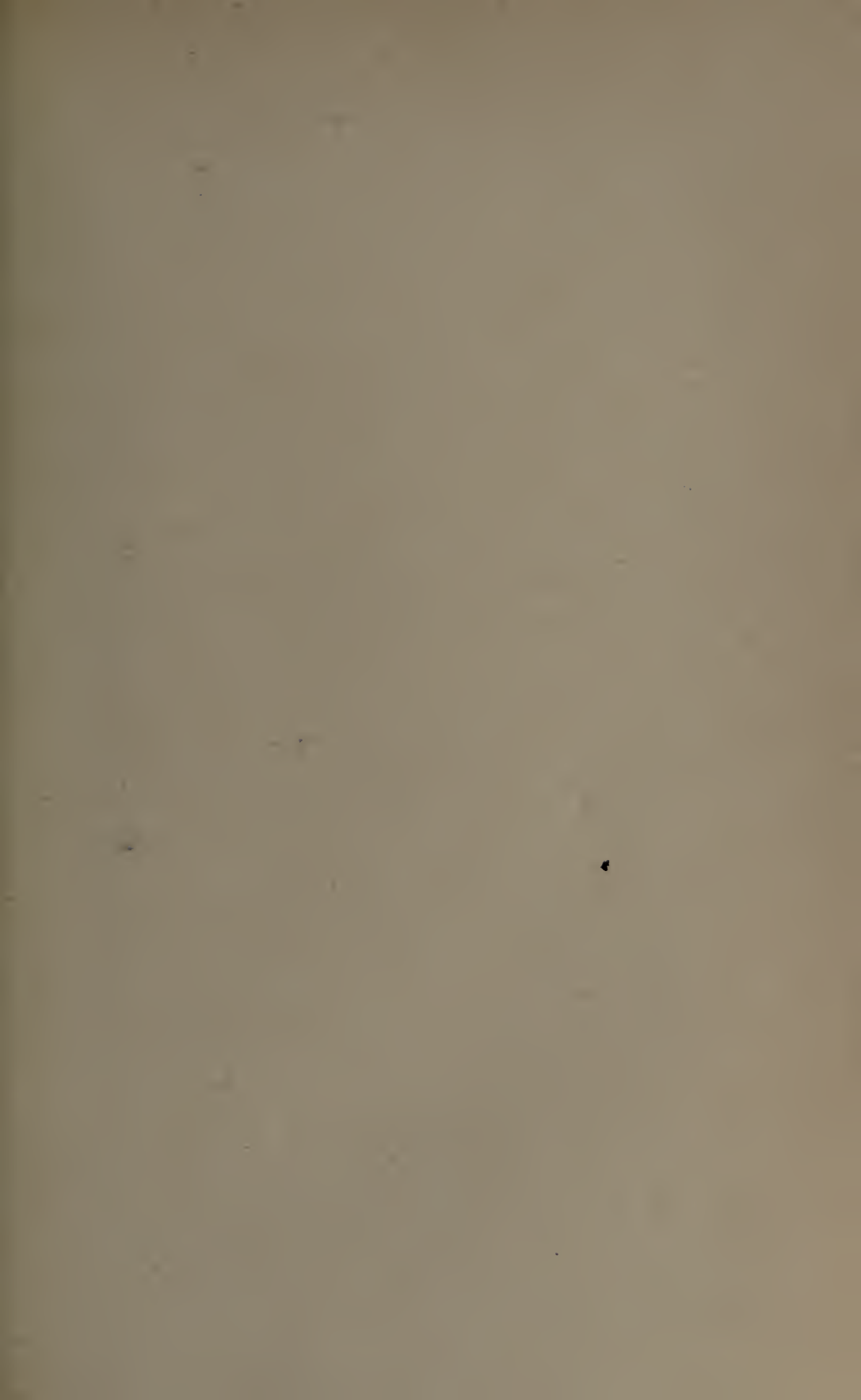
- 10.—(a) Nothing in this Act shall be deemed to apply to a duly qualified medical practitioner registered under the laws of the Province of Ontario, or to any person, firm or corporation carrying on business in the Province of Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travelling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.
- (b) Nothing in this Act shall be deemed to prevent the unrestricted sale of protection glasses for industrial

Section 5 exempts wholesale manufacturers as well as qualified medical practitioners from the operation of the Act and adds a provision protecting the unrestricted sale of coloured glasses and glasses used for protection purposes in any industry.

purposes, coloured glasses not embodying an ophthalmic lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.



An Act to amend The Optometry Act.

1st Reading

February 25th, 1931

2nd Reading

3rd Reading

MR. HONEYWELL.

No. 90

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Optometry Act.

MR. HONEYWELL

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Optometry Act.


HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. **1.** This Act may be cited as *The Optometry Act, 1931*.
- Rev. Stat.,
c. 215,
amended. **2.** Section 1 of *The Optometry Act* is amended by adding thereto the following clauses:
- Inter-
pretation,
"Ophthalmic
lens."
 (c) "Ophthalmic lens" shall mean any form of lens or prism or the combination of the same, devised for the relief or correction of any visual or muscular error or defect of the eye.
- "Opto-
metry."
 (d) "Optometry" shall mean the measurement of or the attempt to measure by any means, *other than the use of drugs*, the refractive or muscular condition of the eye, the prescribing of any ophthalmic lens or lenses or the prescribing of any spectacles or eye-glasses or ocular calisthenics to any person for the relief or correction of any visual or muscular error or defect of the eye.
- "Opto-
metrist."
 (e) "Optometrist" shall mean any person who practises optometry as herein defined.
- "Optician."
 (f) "Optician" shall mean any person who dispenses any ophthalmic lens or lenses or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or repairs the same, or fills any optometrist's or oculist's prescription for any such lenses, spectacles or eye-glasses.
- "Prescribe."
 (g) Without in any way limiting the generality of the word "prescribe" it shall, in this Act, be deemed to include the supply or loan by any person, or his agent, to any other person, of a mechanical instru-



EXPLANATORY NOTES

This bill follows the Bills introduced in 1929 and 1930 with some few exceptions.

Section 2. Interpretation Section is amended by inserting some definitions which experience has shown to be necessary in administering the Act.

ment for the purpose of such other person by means of such instrument making a self-measurement of the refractive or muscular conditions of the eye. 

Rev. Stat.,
c. 215, s. 8,
sub. 1,
amended.

 3.—(1) Subsection 1 of section 8 of *The Optometry Act* is amended by striking out the words “whether or not he” in the second line and inserting in lieu thereof the word “who,” and by striking out the word “found” in the third line thereof. 

Rev. Stat.,
c. 215, s. 8,
amended.

(2) The said section 8 is further amended by adding thereto the following subsections:

Powers of
Board on
inquiry.

(3) For the purposes of any inquiry under this section the Board shall have and may exercise all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act* including the power to summon witnesses and compel their attendance, to take affidavits under oath and call for the production of books, documents, papers and things.

Rev. Stat.,
c. 20.

Appeal
to Supreme
Court judge.

(4) An appeal shall lie, by way of originating notice, from any order or decision of the Board under this Act to a judge of the Supreme Court who may receive such evidence, give such directions for the conduct of the proceedings and make such order or decision thereon as he may deem just, and his decision shall be final and shall not be subject to an appeal.

Rev. Stat.,
c. 215, s. 9,
repealed.

4. Section 9 of *The Optometry Act* is repealed and the following substituted therefor:

Offences.

9.—(1) Every person,—

(a) Not being the holder of a certificate under this Act who practises optometry or as an optician, or appends to his name the term “optometrist” or “optician” or any abbreviation thereof, or wilfully or falsely pretends to be, or wilfully or falsely takes or uses any name, title, addition, abbreviation or description implying, or calculated to lead any person to believe, that he is or is recognized by law as an optometrist or optician as the case may be, or that he is registered or possesses a certificate as an optometrist or optician under this Act, or

(b) Whether he is the holder of a certificate under this Act or not, who has been prohibited by

Section 3 gives the Board some powers which are necessary to hold investigations into the conduct of licensees and which resemble to some extent provision of other Acts, in which disciplinary powers are given to the Board.

Section 4. Clause (c) is new and is aimed at what are known as Mail Order Houses.

the Board from the practising as an optometrist or optician and disobeys such prohibition, or

- (c) Whether he is the holder of a certificate under this Act or not, who, except in cases of replacement or duplication, sells or offers to sell through an agent, *other than a retail merchant, or offers to sell through a travelling salesman*, or prescribes by mail or through an agent or travelling salesman, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or
- (d) Whether he is the holder of a certificate under this Act or not, who causes to be printed or published or distributed any false or misleading advertisement with respect to the sale of any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye

Penalties.

shall be guilty of an offence and shall incur a penalty of not more than \$100 or less than \$10 for the first offence, and not more than \$500 or less than \$25 for the second offence.

Application
of Rev. Stat.,
c. 121.

- (2) *The Summary Convictions Act* shall apply to offences under this Act.

Rev. Stat.,
c. 215, s. 10,
repealed.

5. Section 10 of *The Optometry Act* is repealed and the following substituted therefor:



Exemption
from
operation
of Act.

- 10.—(a) Nothing in this Act shall be deemed to apply to a duly qualified medical practitioner registered under the laws of the Province of Ontario, or to any person, firm or corporation carrying on business in the Province of Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travelling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.
- (b) Nothing in this Act shall be deemed to prevent the unrestricted sale of protection glasses for industrial

Section 5 exempts wholesale manufacturers as well as qualified medical practitioners from the operation of the Act and adds a provision protecting the unrestricted sale of coloured glasses and glasses used for protection purposes in any industry.

purposes, coloured glasses not embodying an ophthalmic lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

Saving
as to
retail
merchants

 **6.** Nothing in this Act shall be deemed to prevent any firm or corporation carrying on business as a retail merchant from maintaining an optical department, and practising optometry and as an optician therein, if such department is in charge of a registered optometrist. 

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Optometry Act.

1st Reading

February 25th, 1931

2nd Reading

March 4th, 1931

3rd Reading

MR. HONEYWELL

(Reprinted as amended by the Select
Committee on Optometry)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Optometry Act.

MR. HONEYWELL

No. 90

1931

BILL

An Act to amend The Optometry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. **1.** This Act may be cited as *The Optometry Act, 1931*.
- Rev. Stat.,
c. 215,
amended. **2.** Section 1 of *The Optometry Act* is amended by adding thereto the following clauses:
- Inter-pretation,
"Ophthalmic
lens."
 (d) "Ophthalmic lens" shall mean any form of lens or prism or the combination of the same, devised for the relief or correction of any visual or muscular error or defect of the eye.
- "Opto-metry."
 (e) "Optometry" shall mean the measurement of or the attempt to measure by any means, other than the use of drugs, the refractive or muscular condition of the eye, the prescribing of any ophthalmic lens or lenses or the prescribing of any spectacles or eye-glasses or ocular calisthenics to any person for the relief or correction of any visual or muscular error or defect of the eye.
- "Opto-metrist."
 (e) "Optometrist" shall mean any person who practises optometry as herein defined.
- "Optician."
 (f) "Optician" shall mean any person who dispenses any ophthalmic lens or lenses or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or repairs the same, or fills any optometrist's or oculist's prescription for any such lenses, spectacles or eye-glasses.
- "Prescribe."
 (g) Without in any way limiting the generality of the word "prescribe" it shall, in this Act, be deemed to include the supply or loan by any person, or his agent, to any other person, of a mechanical instru-

ment for the purpose of such other person by means of such instrument making a self-measurement of the refractive or muscular conditions of the eye.

3.—(1) Subsection 1 of section 8 of *The Optometry Act* is amended by striking out the words "whether or not he" in the second line and inserting in lieu thereof the word "who," and by striking out the word "found" in the third line thereof.

Rev. Stat.,
c. 215, s. 8,
sub. 1,
amended.

(2) The said section 8 is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 215, s. 8,
amended.

(3) For the purposes of any inquiry under this section the Board shall have and may exercise all the powers which may be conferred upon a commission appointed under *The Public Inquiries Act* including the power to summon witnesses and compel their attendance, to take affidavits under oath and call for the production of books, documents, papers and things.

Powers of
Board on
inquiry.

Rev. Stat.,
c. 20.

(4) An appeal shall lie, by way of originating notice, from any order or decision of the Board under this Act to a judge of the Supreme Court who may receive such evidence, give such directions for the conduct of the proceedings and make such order or decision thereon as he may deem just, and his decision shall be final and shall not be subject to an appeal.

Appeal
to Supreme
Court judge.

4. Section 9 of *The Optometry Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 215, s. 9,
repealed.

9.—(1) Every person,—

Offences.

(a) Not being the holder of a certificate under this Act who practises optometry or as an optician, or appends to his name the term "optometrist" or "optician" or any abbreviation thereof, or wilfully or falsely pretends to be, or wilfully or falsely takes or uses any name, title, addition, abbreviation or description implying, or calculated to lead any person to believe, that he is or is recognized by law as an optometrist or optician as the case may be, or that he is registered or possesses a certificate as an optometrist or optician under this Act, or

(b) Who is the holder of a certificate under this Act and who has been prohibited by the

Board from the practising as an optometrist and disobeys such prohibition, or

- (c) Whether he is the holder of a certificate under this Act or not, who, except in cases of replacement or duplication, sells or offers to sell through an agent, other than a retail merchant, or sells or offers to sell through a travelling salesman, or prescribes by mail or through an agent or travelling salesman, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye, or
- (d) Whether he is the holder of a certificate under this Act or not, who causes to be printed or published or distributed any false or misleading advertisement with respect to the sale of any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye

Penalties.

shall be guilty of an offence and shall incur a penalty of not more than \$100 or less than \$10 for the first offence, and not more than \$500 or less than \$25 for the second offence.

Application
of Rev. Stat.,
c. 121.

- (2) *The Summary Convictions Act* shall apply to offences under this Act.

Rev. Stat.,
c. 215, s. 10,
repealed.

5. Section 10 of *The Optometry Act* is repealed and the following substituted therefor:

Exemption
from
operation
of Act.

- 10.—(a) Nothing in this Act shall be deemed to apply to a duly qualified medical practitioner registered under the laws of the Province of Ontario, or to any person, firm or corporation carrying on business in the Province of Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travelling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.
- (b) Nothing in this Act shall be deemed to prevent the unrestricted sale of protection glasses for industrial purposes, coloured glasses not embodying an ophthal-

mic lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

6. Nothing in this Act contained shall prevent,—

Saving
as to
retail
merchants

- (a) the practise by a retail merchant of optometry or as an optician at his ordinary place of business or the carrying on therein of an optical department, if such practise and optical department are in charge of a registered optometrist; or
- (b) the selling or offering for sale by a retail merchant at his ordinary place of business of spectacles or eye-glasses; or
- (c) the provision of a retail merchant at his ordinary place of business of a test card or chart, other than a mechanical instrument, so that customers therein may select spectacles or eye-glasses kept for sale by such retail merchant at his place of business; or
- (d) the furnishing or supplying through the mail by any person to any other person of a test card or chart, other than a mechanical instrument, whereby such other person may select spectacles or eye-glasses.

7. This Act shall come into force on the 1st day of January, 1932.

Commence-
ment of Act.

An Act to amend The Optometry Act.

1st Reading

February 25th, 1931

2nd Reading

March 4th, 1931

3rd Reading

April 1st, 1931

MR. HONEYWELL

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Highway Traffic Act.

MR. MCBRIEN

No. 91

1931

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 251, s. 23,
subs. 1,
amended.

Rate of
speed in
parks and
exhibition
grounds.

1. Subsection 1 of section 23 of *The Highway Traffic Act* is amended by striking out the words "prohibiting a motor vehicle from being driven at a greater rate of speed than fifteen miles an hour" in the fourteenth, fifteenth and sixteenth lines thereof and inserting in lieu thereof the words "restricting motor vehicles to a lesser rate of speed."

EXPLANATORY NOTE

It is proposed by this amendment to enable the council to pass by-laws to restrict the speed of motor vehicles in parks and exhibition grounds to a speed less than 20 miles per hour, as for instance to a speed of 10 miles per hour. At present that power is confined to providing that the maximum speed shall be 15 miles per hour, without the right to restrict to a lower rate of speed.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

February 25th, 1931

2nd Reading

3rd Reading

MR. MCBRIEN

No. 92

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. MCBRIEN

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 92

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s. 329,
amended.

1. Section 329 of *The Municipal Act* is amended by adding thereto the following subsection:

Signature to
debentures.

- (5) Any debenture heretofore issued or hereafter to be issued shall be sufficiently signed by the head of the council if it bears the signature, as hereinbefore in this section provided, of the person who was the head of the council either at the date of the debenture or at the time when it was issued.

EXPLANATORY NOTE

This amendment is to overcome a technical objection which may be made to a debenture by reason of the fact that the mayor who signed it is not in office at the time the debenture is issued. The change will make valid a debenture if signed by the mayor who is in office at the time of signature or at the time of issue.

An Act to amend The Municipal Act.

1st Reading

February 25th, 1931

2nd Reading

3rd Reading

MR. MCBRIEN

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Dog Tax and Sheep Protection Act.

MR. KENNEDY (Peel)

No. 93

1931

BILL

An Act to amend The Dog Tax and Sheep Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Dog Tax and Sheep Protection Act, 1931*.

Rev. Stat.,
c. 300,
amended. **2.** *The Dog Tax and Sheep Protection Act* is amended by adding thereto the following subsection:

Dog biting
person. 6a. Where a dog is alleged to have bitten any person the owner of the dog may be summoned to appear before a police magistrate to show cause why the dog should not be destroyed and if from the evidence produced it appears that the dog has bitten any person the magistrate may make an order that the dog be destroyed.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The purpose of this amendment is to make it possible that vicious dogs may be destroyed.

BILL

An Act to amend The Dog Tax and
Sheep Protection Act.

1st Reading

February 25th, 1931

2nd Reading

3rd Reading

MR. KENNEDY (Peel)

No. 93

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL
The Vicious Dogs Act, 1931.

MR. KENNEDY (Peel)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 93

1931

BILL

The Vicious Dogs Act, 1931.

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1. Where a dog is alleged to have bitten any person the owner of the dog may be summoned to appear before a police magistrate to show cause why the dog should not be destroyed and if from the evidence produced it appears that the dog has bitten any person the magistrate may make an order that the dog be destroyed.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

The Vicious Dogs Act, 1931.

1st Reading

February 25th, 1931

2nd Reading

February 27th, 1931

3rd Reading

March 23rd, 1931

MR. KENNEDY (Peel)

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Tile Drainage Act.

MR. POISSON

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 94

1931

BILL

An Act to amend The Tile Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Tile Drainage Amendment Act, 1931*.

1929,
c. 25, s. 2,
amended.

2. Section 2 of *The Tile Drainage Act, 1929*, is amended by adding thereto the following subsection:—

(3) Notwithstanding the provisions of subsections 1 and 2, the council of a town, village or township, the assessment of the whole rateable property in which according to the last revised assessment roll is not less than \$3,000,000, may for the purposes hereinafter mentioned borrow in sums of not exceeding \$300,000 in the whole, provided the indebtedness in respect of money so borrowed and remaining unpaid shall not at any time exceed \$300,000.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The purpose for the amendment is to enable municipalities, with sufficient financial resources to carry the burden, to assist further in tile drainage works, as the present maximum of \$200,000 has been found to be insufficient for their purposes.

BILL

An Act to amend The Tile Drainage Act.

1st Reading

February 25th, 1931

2nd Reading

3rd Reading

MR. POISSON

NO. 94

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Tile Drainage Act.

MR. POISSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 94

1931

BILL

An Act to amend The Tile Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Tile Drainage Amendment Act, 1931*.

1929,
c. 25, s. 2,
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- (3) Notwithstanding the provisions of subsections 1 and 2, the council of a town, village or township, the assessment of the whole rateable property in which according to the last revised assessment roll is not less than \$3,000,000, may for the purposes hereinafter mentioned borrow in sums of not exceeding \$300,000 in the whole, provided the indebtedness in respect of money so borrowed and remaining unpaid shall not at any time exceed \$300,000.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Tile Drainage Act.

1st Reading

February 25th, 1931

2nd Reading

March 12th, 1931.

3rd Reading

March 18th, 1931

MR. POISSON

No. 95

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Assessment Act.

MR. ELLIOTT (Bruce North)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 238, s. 107,
subs. 2,
amended.

1. Subsection 2 of section 107 of *The Assessment Act* is amended by adding the words "clerk or treasurer" at the end of the first line thereof so that the subsection will now read as follows:

How may be
given in
cities, towns,
townships
and villages

(2) In cities, towns, townships and villages, the collector, clerk or treasurer may, if so authorized by by-law of the municipality (which by-law the council of the municipality is hereby empowered to pass), mail the notice or cause the same to be mailed to the address of the residence or place of business of such person.

Rev. Stat.,
c. 238, s. 111,
subs. 7,
repealed.

2. Subsection 7 of section 111 of *The Assessment Act* is repealed and the following substituted therefor:

Provision
for
payment of
taxes into
bank.

(7) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be by the collector of taxes or by the person charged with the payment thereof paid into such chartered bank of Canada, as the council shall by such by-law direct to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt from the bank therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

Rev. Stat.,
c. 238, s. 111,
amended.

3. Section 111 of *The Assessment Act* is further amended by adding thereto the following subsection:

EXPLANATORY NOTES

Section 1. This section is for the purpose of permitting tax bills to be mailed by the municipal clerk or treasurer as well as by the tax collector.

Section 2. This section amends present subsection 7 by deleting therefrom the requirement that the taxpayer who pays his taxes into the bank is to produce the bank receipt to the municipal treasurer or tax collector.

Section 3. This section is to give statutory authority for the acceptance of part payment of taxes. Several municipalities now follow this practice without proper legal authority therefor.

By-law to
authorize
part
payment of
taxes due.

- (8) The council of any municipality may by by-law authorize the treasurer and the collector of taxes to accept part payment from time to time on account of any taxes due and to give a receipt for such part payment, provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed and collectible under subsection 2 in respect to non-payment of any taxes or any class of taxes or of any instalment thereof.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Assessment Act.

1st Reading

February 26th, 1931

2nd Reading

3rd Reading

MR. ELLIOTT (Bruce North)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. ELLIOTT (Bruce North)

No. 96

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 233, s. 469,
subs. 4,
amended.

1. Subsection 4 of section 469 of *The Municipal Act* is amended by striking out the word "ten" in the sixth line and inserting in lieu thereof the word "twenty."

Rev. Stat.,
c. 233, s. 469,
subs. 4,
amended.

2. Subsection 4 of section 469 of *The Municipal Act* is further amended by striking out the word "seven" in the seventh line and inserting in lieu thereof the word "fifteen."

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The provisions of this Bill have reference to the statutory notice which has to be given to the clerk of the municipality of any claim arising out of injuries from the non-repair of a public highway.

At present such notice must be given within ten days to the clerk of a county or township and within seven days to the clerk of a city, town or village.

The Bill extends these periods respectively from ten days to twenty days and from seven days to fifteen days.

BILL

An Act to amend The Municipal Act.

1st Reading

February 26th, 1931

2nd Reading

3rd Reading

MR. ELLIOTT (Bruce North)

No. 97

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Assessment Act.

MR. ELLIS

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 238, s. 1,
cl. (e),
repealed.

1. Clause *e* of section 1 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 238,
ss. 2, 3,
amended.

2. Sections 2 and 3 of *The Assessment Act* are amended by striking out the word "income" where it occurs in the third line of section 2, and where it occurs in the ninth line of section 3.

Rev. Stat.,
c. 238, s. 4,
amended.

3. Section 4 of *The Assessment Act* is amended by striking out after the word "Ontario" in the first line the words "and all income derived either within or out of Ontario by any person resident therein or received in Ontario by or on behalf of any person resident out of the same" so that the portion of the said section preceding the several numbered paragraphs thereof will now read as follows:

Taxable
property
and
exemptions.

4. All real property in Ontario shall be liable to taxation, subject to the following exemptions:—

Rev. Stat.,
c. 238,
certain
sections,
etc.,
repealed.

4. The following sections, subsections and paragraphs of *The Assessment Act* are repealed, namely,—

(a) Paragraphs 11, 15, 16, 17, 18, 20, 21, 22, 23 and 24 of section 4.

(b) Sections 6, 7, 10, 11, 12 and 13;

(c) Subsections 1 and 2 of section 14;

(d) Clause *a* of subsection 1 of section 15.

(e) Sections 17, 18, 19, 20, 21, 22, 23;

(f) Paragraph 16 of section 72.

EXPLANATORY NOTE

The whole purpose of this Bill is to abolish the assessment and taxation of income by municipalities, and the several provisions thereof are directed to the sections of the Act in which reference to assessment or taxation of income is provided for.

Rev. Stat.,
c. 238, s. 57,
subs. 2,
amended.

5. Subsection 2 of section 57 of *The Assessment Act* is amended by striking out the words "income or" in the sixth line of said subsection.

Rev. Stat.,
c. 238, s. 98,
subs. 3 and
s. 121,
amended.

6. Subsection 3 of section 98 and section 121 of *The Assessment Act* are amended by striking out the word "income" where it occurs in the second line of said subsection 3 of section 98 and in the twelfth line of said section 121.

Rev. Stat.,
c. 238,
forms 1, 2, 7
and 8
repealed.

7. Forms 1, 2, 7 and 8 of *The Assessment Act* are repealed.

BILL

An Act to amend The Assessment Act.

1st Reading

February 26th, 1931

2nd Reading

3rd Reading

MR. ELLIS

No. 98

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. HEIGHINGTON

TORONTO
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PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 98

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s. 53,
subs. 2,
amended.

1. Subsection 2 of section 53 of *The Municipal Act* is amended by adding thereto the following clause:

(h) Of his being assessed as the owner of lands against which taxes are overdue and unpaid, if at the time of the election he is not the owner of such lands.

Rev. Stat.,
c. 233, s. 412,
amended.

2. Section 412 of *The Municipal Act* is amended by adding thereto the following paragraph:

Location of
incinerator
plants, etc.

2. For prohibiting or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of any incinerator or other building, plant or machinery to be used for the destruction or disposal of garbage, ashes or other refuse.

Rev. Stat.,
c. 233, s. 414,
par. 3
(1929,
c. 58, s. 9),
repealed.

3. Paragraph 3 of section 414 of *The Municipal Act* as re-enacted by section 9 of *The Municipal Amendment Act, 1929*, is repealed and the following substituted therefor:

Controlling
location of
certain
businesses,
etc.

3. For exercising the powers conferred on cities by sections 411 and 412.

(a) This paragraph shall not apply to a building which was on the day the by-law is passed erected or used for any of the purposes enumerated in said sections 411 and 412 so long as it is used as it was used on that date.

Rev. Stat.,
c. 233,
s. 431a
(1928,
c. 37, s. 16),
amended.

4. Section 431a of *The Municipal Act* as enacted by section 16 of *The Municipal Amendment Act, 1928*, is amended

EXPLANATORY NOTES

Section 1. At the present time an owner of property is disqualified from being elected to council if taxes are owing on any lands of which he is assessed as owner notwithstanding that prior to nomination day he may have disposed of such lands and have no further interest therein. The amendment is to prevent an owner in such a case being disqualified.

Section 2. The purpose of this amendment is to prevent the location of garbage incinerators, etc., in defined areas of a city or town.

Section 3. The purpose of this amendment is to extend for the benefit of townships bordering on cities of 100,000 population or more, the same powers as those possessed by councils of cities with respect to the location of certain types of business such as cartage businesses, coal yards, apartment houses, public garages, incinerator plants, and also power to establish industrial departments, to license bicycles, etc., to permit building encroachments on highways and to permit temporary use of highways for building purposes on adjoining lands, and to license public garages.

Section 4. This amendment seeks to give townships bordering on the larger cities power to license coal and coke dealers, which power is now only possessed by cities of not less than 100,000 population.

by adding at the end of the heading thereof the following words:

“and by councils of townships bordering on a city having a population of not less than 100,000.”

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Municipal Act.

1st Reading

February 27th, 1931

2nd Reading

3rd Reading

MR. HEIGHINGTON

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Land Surveyors.

MR. FINLAYSON

No. 99

1931

BILL

An Act respecting Land Surveyors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Land Surveyors Act, 1931*.

INTERPRETATION.

Interpreta- 2. In this Act,—
tion.

"Minister." (a) "Minister" shall mean the Minister of Lands and Forests;

"Surveyor." (b) "Surveyor" shall mean Ontario Land Surveyor. R.S.O. 1927, c. 201, s. 1.

REGISTRATION OF LAND SURVEYORS.

Who may 3.—(1) No person shall act as a surveyor of land in Ontario
act as a land for the purpose of establishing, locating, defining or describing
surveyor. any limit boundary or angle whatsoever of any township, city, town, village, concession, section block, gore reserve, common lot, mining claim, mining location, or other parcel of land unless authorized to practise as a Land Surveyor according to the provisions of this Act, or so authorized before the passing thereof according to the laws then in force, and unless registered under the provisions of this Act. R.S.O. 1927, c. 201, s. 2 (1), *amended*.

Penalty. (2) Any person who contravenes this section shall incur a penalty of \$40. R.S.O. 1927, c. 201, s. 2 (2).

ASSOCIATION OF ONTARIO LAND SURVEYORS.

Association 4.—(1) The Association of Ontario Land Surveyors herein-
continued. after called "the Association" is hereby continued and all

EXPLANATORY NOTES

Section 2. Same as present section 1.

Section 3.—(1) This is subsection 1 of the present section 2 amended to define the duties of a surveyor in accordance with section 1 of *The Surveys Act*.

(2) Same as subsection 2 of present section 2.

Section 4. (1), (2) Same as present section 3.

persons who are now members of the Association shall continue to be members thereof subject to the by-laws of the Association and the provisions of this Act.

New members. (2) All persons duly authorized to practise as land surveyors shall, upon becoming duly registered as hereinafter provided, become members of the Association. R.S.O. 1927, c. 201, s. 3.

Fines and fees. 5. All fines and fees payable under this Act or under any by-law of the Association shall belong to the Association. R.S.O. 1927, c. 201, s. 5.

Powers as to real estate. 6. The Association may purchase, take and possess for the purposes of the Association, but for no other purpose, and after acquiring the same may sell, mortgage, lease, or dispose of any real estate. R.S.O. 1927, c. 201, s. 4.

Council of management. 7.—(1) There shall be a council of management of the Association, hereinafter called the "Council" consisting of the Minister, the president and the vice-president of the Association, and six other elective members to be elected and hold office as hereinafter provided. R.S.O. 1927, c. 201, s. 7 (1).

Chairman and officers. (2) The council shall elect annually one of its members as chairman, and may appoint from among the members of the Association such other officers as may be deemed necessary for carrying out the objects of this Act, and such appointed officers shall hold office during the pleasure of the council. R.S.O. 1927, c. 201, s. 7 (2), *amended*.

Investments. 8. The council may invest, in the name of the Association, any moneys of the Association in such securities as trustees may properly invest in, and the income derived therefrom shall form part of the ordinary income of the Association. R.S.O. 1927, c. 201, s. 49 (2), *amended*.

By-laws. 9.—(1) The Association may pass by-laws for:

- (a) the government, discipline and honour of its members;
- (b) the management of its property;
- (c) the examination and admission of candidates for the study or practice of the profession; and
- (d) all such other purposes as may be necessary for carrying out the objects of the Association.

Ratification. (2) All by-laws shall be passed by the council and shall be ratified by the Association at the next annual general meeting or at a special general meeting called for the purpose. R.S.O. 1927, c. 201, s. 6.

Section 5. Same as present section 5.

Section 6. Same as present section 4.

Section 7. (1) Same as subsection 1 of present section 7.

(2) This is a redraft of subsection 2 of the present section 7, making the appointment of "such other officers" permissive instead of directory and substituting the words "such appointed officers" for the word "who" to remove ambiguity.

Section 8. This is subsection 2 of the present section 49, with a slight change in wording.

Section 9. (1), (2) Same as present section 6.

Annual
general
meeting.

10.—(1) The annual general meeting of the Association shall be held in the city of Toronto on the third Tuesday of February in each year at such place as the council may appoint. R.S.O. 1927, c. 201, s. 8 (1).

Special
general
meeting.

(2) Upon the written request of any ten members of the Association in good standing or of the council, the president or in his absence the vice-president may call a special general meeting to be held in the city of Toronto at a time not more than thirty days after the receipt of such request. *New.*

Notice.

(3) Notice of any such meeting shall be given by the secretary-treasurer to each member of the Association by letter posted to his registered address at least fourteen days before such meeting. R.S.O. 1927, c. 201, s. 8 (2), *amended.*

ELECTION OF OFFICERS.

Election of
President
and
Officers of
the Associa-
tion

11.—(1) The members of the Association shall elect annually from their number by sealed ballot (Form 1) the president, vice-president, secretary-treasurer and two auditors who shall hold office for one year from the termination of the annual general meeting, and two members of council who shall hold office for three years from termination of the annual general meeting. R.S.O. 1927, c. 201, s. 9 (1), *amended.*

(2) No person shall be eligible for election to any office or to the council or qualified to fill any vacancy thereon or for appointment by the council to any office unless his fees have been paid and he is duly qualified under the provisions of this Act and the by-laws of the Association. R.S.O. 1927, c. 201, s. 15 (2).

Nominating
Committee.

12.—(1) A nominating committee of five members of the Association in good standing other than members of the council of management shall be elected by ballot at each annual general meeting to hold office until the next annual general meeting and it shall be the duty of such nominating committee to nominate before the 1st day of December in each year at least as many eligible members for each position as are required to be elected in accordance with the provisions of section 10.

(2) The presiding officer at the meeting at which the nominating committee is elected shall appoint two scrutineers to count the votes cast for members of the nominating committee, and he shall have the casting vote in the case of a tie, and shall appoint one of the members elected to act as chairman and convener of the committee. *New.*

10.—(1) Same as subsection 1 of present section 8.

(2) This is new and provides for the calling of a special general meeting at the written request of ten members of the Association.

(3) This is subsection 2 of the present section 8 amended to provide that fourteen days' notice shall be given of a special general meeting instead of ten.

Section 11.—(1) This is subsection 1 of the present section 9 amended to permit functioning of the "nominating committee" provided for in section 12.

(2) Same as subsection 2 of present section 15.

Section 12.—(1), (2) This is new and provides for the election of a nominating committee the chief purpose of which is to ensure proper representation throughout the Province.

Nomina-
tions.

13.—(1) The chairman of the nominating committee shall forthwith after the 30th day of November in each year forward to the secretary-treasurer, by registered mail, the list of persons nominated and the secretary-treasurer shall on or before the 10th day of December in that year mail a copy of the said list to each member of the Association at his registered address.

(2) Any ten members of the Association in good standing may, by registered letter delivered to the secretary at his office on or before the 31st day of December, require the secretary to add to the list of persons nominated the name or names of any other eligible members, and the names of the members so added, with the names of the members chosen by the nomination committee, shall be placed by the secretary on the ballot paper (Form 1). *New.*

Distribution
and return
of ballots.

14.—(1) The ballot papers shall be mailed by the secretary-treasurer to each member of the Association at his registered address at least fourteen days before the annual meeting and shall be returned to the secretary-treasurer in a sealed envelope not later than 10 o'clock in the forenoon of the day prior to the annual general meeting.

Scrutineers.

(2) Two scrutineers shall be appointed by the president to examine and count the votes.

Counting
ballots.

(3) The ballot papers shall on the day prior to the annual meeting be opened by the secretary-treasurer in the presence of the scrutineers who shall examine and count the votes cast for the various candidates and keep a record thereof in a book provided for that purpose by the council. *New.*

Qualification
of voters.

15.—(1) The persons qualified to vote shall be such persons as are members of the Association and have paid all fees due from them to the Association. R.S.O. 1927, c. 201, s. 15 (1).

Where vot-
ing paper
has too
many names.

(2) In the event of an elector placing more than the required number of names upon the voting paper for members of the council the first names only not exceeding the required number shall be counted. R.S.O. 1927, c. 201, s. 14.

Who may be
present at
counting of
votes.

(3) Any person entitled to vote at the election may be present at the counting of the votes. R.S.O. 1927, c. 201, s. 12 (2).

Result of
elections.

16.—(1) The qualified persons who have the highest number of votes shall be declared elected. R.S.O. 1927, c. 201, s. 12 (3).

(2) In the case of equality of votes between two or more persons which leaves the election of one or more officers or members of the council undecided, the scrutineers shall forth-

Section 13.—(1), (2) New and self-explanatory.

Section 14.—(1), (2), (3) This is new and sets forth the procedure at elections.

Section 15.—(1) Same as subsection 1 of present section 15.

(2) Same as present section 14.

(3) Same as subsection 2 of present section 12.

16.—(1) Same as subsection 3 of present section 12.

(2) This is subsection 1 of the present section 13 with the addition of the words "member or" in the second to last line.

with put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the secretary-treasurer shall draw from the ballot box, in the presence of the scrutineers, one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be the officer or officers or the member or members of the council, as the case may be. R.S.O. 1927, c. 201, s. 13 (1), *amended*.

Result of
election
to be
reported.

17. Upon the completion of the counting of the votes the secretary-treasurer shall report the result of the election in writing signed by himself and the scrutineers to the president who shall announce the same at the annual general meeting. R.S.O. 1927, c. 201, s. 13 (2), *amended*.

Vacancies.

18. In the case of the resignation, death or dismissal of the president, vice-president, or any elective member of the council the other members of the council shall have power to fill any vacancy so caused, and the person so appointed shall hold office for the unexpired portion of the term. R.S.O. 1927, c. 201, s. 16 (2).

Disputed
elections.

19. In case of doubt or dispute as to who has been elected or as to the legality of the election, the duly elected officers and members shall be a committee, to enquire and decide the doubt or dispute, and the persons whom they decide to have been elected shall be deemed to have been duly elected and if the election is found to have been illegal the committee shall order a new election. R.S.O. 1927, c. 201, s. 17.

BOARD OF EXAMINERS.

Board of
Examiners.

20.—(1) There shall be a board of examiners hereinafter called "the board" for the examination of candidates as hereinafter provided. R.S.O. 1927, c. 201, s. 18 (1), *amended*.

Of whom the
Board is to
consist.

(2) The board shall consist of the chairman of the council, the secretary-treasurer, four other members of the Association to be appointed by the council and two to be appointed by the Lieutenant-Governor in Council.

Term of
office.

(3) The six members to be so appointed shall hold office for three years.

To supply
vacancies.

(4) In the case of resignation, death or inability to act of any member of the board, the Lieutenant-Governor in Council if such member was appointed by him, and the council if such member was appointed by it, shall appoint a member of the Association to be a member of the board of examiners for the unexpired portion of the term.

Section 17. This is subsection 2 of the present section 13 amended to provide for the announcement of the result of the election at the annual meeting.

Section 18. Same as subsection 2 of present section 16.

Section 19. Same as present section 17.

Section 20.—(1) This is subsection 1 of the present section 18 amended to conform to the change made with regard to examinations.

(2)-(7) Same as subsections (2) to (7) of present section 18.

Chairman,
quorum

(5) The chairman of the council shall be the chairman of the board and three members of the board shall form a quorum.

Examiners.

(6) The council may also appoint competent persons to assist the board in any of the subjects of examination, and may fix the expenses and fees to be paid to any of the examiners, subject to the restrictions hereinafter contained in respect of payments to members of the board.

Oath of
Examiner.

(7) Each member of the board shall take and subscribe the following oath:

I, of
having been appointed a member of the Board of Examiners under *The Land Surveyors Act, 1931*, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality. So help me God.

A.B.

Sworn before me at
this day of 19....

R.S.O. 1927, c. 201, s. 18 (2-7).

Meeting—
when and
where held.

21.—(1) The board shall meet in Toronto, on the first Monday in February in every year, and may adjourn such meeting from time to time. R.S.O. 1927, c. 201, s. 19, *amended*.

Payment of
examiners.

(2) The council shall for each day's attendance pay out of the funds of the Association to each member of the board who attends any examinations such sum, not less than \$6 nor more than \$8, as the council may by by-law determine, and his travelling expenses. R.S.O. 1927, c. 201, s. 20.

ADMISSION TO PRACTICE.

Certificate of
qualification.

22. The board shall grant a certificate (Form 2) authorizing to practise as a surveyor, any person who

Age.

(a) has attained the age of 21 years; (1928, c. 21, s. 9, *part*)

Apprentice-
ship.

(b) has served faithfully and regularly for three years under an instrument in writing duly executed before two witnesses, as a student to a surveyor in actual practice and has received from such surveyor a certificate of his having so served or proves to the satisfaction of the board that he has so served or has been wholly or partly exempted from such apprenticeship by the board in accordance with the provisions hereinafter on that behalf; (1928, c. 21, s. 9, *part, amended*)

Section 21.—(1) Same as present section 19 except that it is now provided that the Board shall meet in "Toronto" instead of in "the office of the Minister."

(2) Same as present section 20.

Sections 22, 23, 24, 25. These sections are taken from sections 24, 25, as re-enacted by section 3 of *The Statute Law Amendment Act, 1928*, 27, 28, 33, 35 and 36 of the present Act amended and arranged to embody in their proper sequence all the requirements of the Act relating to admission to practice as modified by the decision at the last annual general meeting to abandon the preliminary examination and to require university entrance standard in lieu thereof.

Inter-
mediate
examination.

- (c) has passed at least six months prior to presenting himself for the final examination an intermediate examination in such subjects as the by-laws of the Association may set out or such part thereof as specified by the board in accordance with the provisions hereinafter in that behalf; (R.S.O. 1927, c. 201, s. 24, *amended*)

Final
examination.

- (d) has passed a final examination not more than six months prior to the termination of his apprenticeship, if any, in such subjects as the by-laws of the Association may require or such part thereof as specified by the board in accordance with the provisions hereinafter in that behalf; (1928, c. 21, s. 9, *part*)

Payments.

- (e) has paid all fees due from him to the Association in accordance with the provisions of section 30 of this Act; (*new*)

References.

- (f) has produced if required by the board satisfactory evidence as to probity and sobriety; (R.S.O. 1927, c. 201, s. 33, *amended*)

Bond.

- (g) has entered into a joint and several bond to His Majesty in the sum of \$1,000, conditioned for the faithful performance of the duties of his office to be deposited in the office of the Treasurer of Ontario and ensuring to the benefit of any person sustaining damage by breach of the conditions thereof with two sufficient sureties to the satisfaction of the board or the chairman or secretary thereof; (R.S.O. 1927, c. 201, s. 35, *amended*)

Standard
measure.

- (h) has provided himself with a properly certified standard measure of length; (*new*)

Oaths of
office and
allegiance.

- (i) has taken and subscribed the oath of allegiance and the following oath of office before the chairman of the board or a member thereof deputed by the board for that purpose which said oaths of allegiance and office shall be deposited in the office of the Provincial Secretary.

I, do solemnly swear that I will faithfully discharge the duties of an Ontario Land Surveyor according to the law, without favour, affection or partiality.

R.S.O. 1927, c. 201, s. 36, *amended*.

Who may be
apprenticed.

23. No person shall be apprenticed to an Ontario Land Surveyor until he shall have produced to the secretary certificates of pass matriculation and honour matriculation

in mathematics both as prescribed by the Department of Education for the Province of Ontario or such other evidence of educational standing as is in the opinion of the board equivalent to the above. *New.*

Exemption
from
apprentice-
ship.

24. Notwithstanding anything contained in section 22, a graduate of the Royal Military College at Kingston, or a graduate in arts, engineering or mining engineering of the University of Toronto, McGill University at Montreal, or Queen's University at Kingston, shall only be bound to serve under articles with a practising surveyor, duly filed as required by section 28, during twelve successive months of active practice. (See R.S.O. 1927, c. 201, s. 28).

Exemption
when quali-
fied else-
where.

25. The board shall have power to grant exemption from the whole or part of the term of apprenticeship and from the whole or parts of the intermediate and final examinations in the case of a person who has attained the age of 21 years and has practised as a surveyor in any of His Majesty's Dominions other than the Province of Ontario, and has satisfied the board that the qualifications for practising requested in such Dominion are similar to those required in Ontario and has produced to the board his certificate or diploma; Provided that the same or similar privileges are granted in such Dominion to Ontario Land Surveyors. R.S.O. 1927, c. 201, s. 27, *amended*.

Provision in
case of
death, etc.,
of employer.

26. If a surveyor dies or leaves Ontario, or is suspended, dismissed or ceases to practise, his apprentice may complete his term of apprenticeship under an instrument in writing, with any registered surveyor in actual practice. R.S.O. 1927, c. 201, s. 29.

Transfer of
apprentice-
ship.

27. A surveyor may, with the consent of the apprentice by an instrument in writing, transfer him to another registered surveyor in actual practice with whom he may serve the remainder of the term of his apprenticeship. R.S.O. 1927, c. 201, s. 30.

Registration
of
apprentice-
ship
agreements.

28. Every instrument being an agreement of apprenticeship to a surveyor shall be transmitted to the secretary-treasurer within two months of the date thereof for approval and registration and if approved shall be registered by the secretary-treasurer in his office and notice of the said registration forwarded by mail to the apprenticed. R.S.O. 1927, c. 201, s. 31, *amended*.

Notice by
candidates
for
examination.

29. Every person desiring to be examined by the board shall give notice thereof in writing to the secretary-treasurer

Section 26. Same as present section 29.

Section 27. Same as present section 30.

Section 28. This is taken from the present section 31 which provides that if the instrument for admission has not been filed within the time limit set out the council may, for special reasons, permit it to be filed. This special authority is omitted from the proposed section.

Section 29. This is the present section 32 amended to conform to the new standard of entrance requirements.

at least one month before the meeting of the board. R.S.O. 1917, c. 201, s. 32, *amended*.

FEES.

Fees.

30. The following fees shall be paid to the secretary-treasurer:

- (a) for the registration of articles of apprenticeship...\$10.
- (b) For the registration of the transfer of articles of apprenticeship.....\$ 5.
- (c) By each candidate for examination with his notice to present himself thereat.....\$ 1.
- (d) By each candidate presenting himself for the intermediate examination.....\$20.
- (e) By each candidate presenting himself for the final examination.....\$40.
- (f) For intermediate certificate.....\$ 1.
- (g) For final certificate authorizing to practise.....\$10.
- (h) For registration as a surveyor in active practice..\$ 1.
- (i) For official notice of registration in the *Ontario Gazette*.....\$ 1.

R.S.O. 1927, c. 201, s. 39 (1), *amended*.

Suspension
for non-
payment of
fees.

(2) Where the annual fees of any member remain unpaid for more than six years and the council is unable to grant total exemption for such period on the ground of extenuating circumstances, such member shall be suspended from membership in the Association until such fees are paid in full or in such part as the council may deem just. R.S.O. 1927, c. 201, s. 39 (2).

REGISTRATION OF PERSONS ENTITLED.

How
register to
be kept.

31.—(1) The secretary-treasurer shall make and keep a correct register of all persons entitled to be registered under this Act, and shall enter opposite the name of any registered person who has died a statement of the fact and shall make necessary alterations in the addresses of persons registered, and subject to this Act shall keep the register in accordance with the by-laws of the Association and the orders and regulations of the council. R.S.O. 1927, c. 201, s. 41 (1).

Retirement
from
practice.

(2) A registered surveyor desiring to give up practice may have his name removed from the register upon giving written notice to the secretary-treasurer of such desire, and paying all fees due from him to the Association, and thereafter he shall not be liable to the Association for any annual or other fees, and may, upon like notice of his intention to resume practice and paying the annual fee for the year in which such notice is given, be again registered.

Rectifica-
tion of
entries.

(3) No name shall be entered in the register except of persons authorized by this Act to be registered nor unless

Section 30.—(1) This is a rearrangement of subsection 1 of the present section 39 the annual membership fee and preliminary examination fee being omitted in conformity with the new regulations.

(2) Same as subsection 2 of present section 39.

Section 31.—(1), (2), (3) Same as subsections 1, 3 and 4 of present section 41.

the secretary-treasurer is satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled and any appeal from his decision shall be decided by the council, and any entry which is proved to the satisfaction of the council to have been fraudulently or incorrectly made shall be erased from or amended in the register by order of the council. R.S.O. 1927, c. 201, s. 41 (3, 4).

Exemption
from
annual fees.

(4) The Association may provide that any surveyor who has been in the actual practice of his profession for a period of thirty-five years or more and was during the entire period a duly qualified surveyor may be exempted from payment of the annual membership fee. R.S.O. 1927, c. 201, s. 41 (5), *amended*.

Annual
register.

32.—(1) The secretary-treasurer shall in every year cause to be printed and kept for inspection in his office an annual register in which shall be printed in alphabetical order the names and addresses of all persons authorized to practise as Ontario Land Surveyors on the 1st day of June of that year.

Evidence of
registration.

(2) A copy of such annual register so printed shall be evidence in all courts and for all persons that the persons therein mentioned are registered according to the provisions of this Act. R.S.O. 1927, c. 201, s. 44 (1, 2), *amended*.

(3) In the case of any person whose name does not appear in such copy a certified copy under the hand of the secretary-treasurer of the entry of the name of such person in the register shall be like evidence that such person is registered under the provisions of this Act. R.S.O. 1927, c. 201, s. 44 (3).

FRAUDULENT REGISTRATION.

Penalty for
improper
entry.

33. If the secretary-treasurer wilfully makes or causes or allows to be made any falsification in any matter relating to the register he shall incur a penalty of not less than \$20 and not more than \$50. R.S.O. 1927, c. 201, s. 45.

Penalty for
procuring
entry by
fraud.

34. Any person who wilfully procures or attempts to procure registration under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, shall incur a penalty of not less than \$20 and not more than \$50 and the council may remove the name of the offender from the register. R.S.O. 1927, c. 201, s. 46.

Right to use
title.

35.—(1) Unless registered no person shall be entitled to take or use the name or title of "Ontario Land Surveyor" either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act.

(4) This is taken from subsection 5 of the present section 41 which provides that "The Association may by by-law provide . . . etc."

Section 32.—(1), (2) This is a rearrangement of subsections 1 and 2 of the present section 44 which provides that the register shall be "printed, published and kept for inspection free of charge" and that such register shall contain the names of all persons appearing on the general register on the "1st day of January" in such year.

(3) Same as subsection 3 of present section 44.

Section 33. Same as present section 45.

Section 34. Same as present section 46.

Section 35. Same as present section 43.

Penalty. (2) Any person who contravenes this section shall incur a penalty not exceeding \$20 for the first offence and not exceeding \$50 for each subsequent offence. R.S.O. 1927, c. 201, s. 43.

WITNESS FEES.

Witness fees. **36.** Every surveyor summoned to attend any civil or criminal court for the purpose of giving evidence in his professional capacity or in consequence of any professional service rendered by him, shall be entitled to \$5 for each day he so attends, in addition to his travelling expenses, to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court. R.S.O. 1927, c. 201, s. 40.

SUSPENSION FOR MISCONDUCT.

Dismissal or suspension of members. **37.—(1)** The council may suspend or dismiss from the Association any surveyor whom it finds guilty of gross negligence or of corruption in the execution of the duties of his office; but the council shall not take action until a complaint made under oath has been filed with the secretary-treasurer, and a copy thereof forwarded to the person accused, nor shall the council suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered in support of the complaint and on behalf of the surveyor.

Evidence. (2) The evidence shall be taken under oath to be administered by the chairman of the council, or by the person acting as such in his absence, or by the secretary, and shall be taken down by a stenographer as in the case of evidence taken in the Supreme Court.

Appeal. (3) A surveyor so dismissed or suspended may, within fourteen days after service upon him of a copy of the order or resolution of dismissal or suspension appeal therefrom to a divisional court by giving seven days' notice to the secretary-treasurer, and may require the evidence taken to be filed in the Central Office of the Supreme Court, and the costs of such appeal shall be in the discretion of the court.

Extension of time for appealing. (4) The Supreme Court or a judge thereof may extend the time for appealing for a further period not exceeding fourteen days.

Setting down appeal for hearing. (5) The appeal shall be set down to be heard at a sittings of the Court to be held within one month after the time, or the extended time, for appealing has expired.

Consequences of dismissal. (6) Unless the order or resolution is set aside, or the Court or the council otherwise orders, a surveyor so dismissed or

Section 36. Same as present section 40.

Section 37. Same as present section 37.

suspended shall not have the right to practise as a surveyor until after the appeal has been disposed of except where the time for which he was so suspended has expired.

Removal
from
register
for crime.

(7) The council may suspend or dismiss from the Association any member who has been convicted of any crime, and cause his name to be removed from the register.

Restoration
to
register.

(8) The council may direct the registrar to restore to the register the name of any person or any entry erased therefrom, either without the fee or on payment of such fee, not exceeding the arrears of fees due to the Association as the council may fix. R.S.O. 1927, c. 201, s. 37.

ATTENDANCE OF WITNESSES.

Attendance
of
witnesses.

38. On any enquiry concerning an election or the dismissal, suspension or restoration of any member a summons under the hand of the president or of the vice-president, or of any two members of the council, for the attendance of a witness before the council, shall have all the force of a subpoena; and any witness not attending in obedience thereto shall be liable to attachment in the Supreme Court. R.S.O. 1927, c. 201, s. 38.

RECOVERY OF FEES AND PENALTIES.

Recovery of
fees.

39.—(1) All fees payable under this Act may be recovered as ordinary debts due the Association and all penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

Application
of penalties.

(2) All penalties recovered under this Act shall immediately upon the recovery thereof be paid over by the convicting justice to the secretary-treasurer.

(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalty as it deems expedient to the prosecutor. R.S.O. 1927, c. 201, s. 47.

HOW FUNDS TO BE APPLIED.

Accounts of
Association.

40. The secretary-treasurer shall enter in books to be kept for that purpose a true account of all moneys by him received and paid, and such books shall be audited and submitted to the council and to the Association when and so often as they may require. R.S.O. 1927, c. 201, s. 50.

NOTICES AND DOCUMENTS.

Service of
notices.

41.—(1) Except as herein otherwise provided all notices and documents required by or for the purposes of this Act

Section 38. Same as present section 38.

Section 39. Same as present section 47.

Section 40. Same as present section 50.

Section 41. Same as present section 48.

to be sent by mail, if sent by registered post, shall be deemed to have been received at the time when the same would be delivered in the ordinary course of mail.

What to be
deemed
proper ad-
dress.

(2) Such notices and documents, when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address in the register of the Association. R.S.O. 1927, c. 201, s. 48.

Rev. Stat.,
c. 201
repealed.

42. *The Land Surveyors Act*, being chapter 201 of the Revised Statutes of Ontario, 1927, is repealed.

Commence-
ment of Act.

43. This Act shall come into force on the 1st day of June, 1931.

FORM 1
VOTING PAPER
(Sections 11 and 13 (2))

Association of Ontario Land Surveyors

Election 19 .

I, _____ of
_____ in

a member of the Association of Ontario Land Surveyors, do hereby declare that

(1) The signature hereto is in my proper handwriting.

(2) I vote for *A. B.*, of _____, as (president, vice-president, secretary-treasurer, auditor or auditors, as the case may be).

(3) I vote for the following persons as members of the council of the Association: *A. B.*, of _____ and *C. D.*, of _____

(4) I have signed no other voting paper at this election.

(5) This voting paper was signed on the day of the date thereof.

Witness my hand this _____ day of _____, 19 .

R.S.O. 1927, c. 201, Form 1.

FORM 2
(Section 22)

CERTIFICATE OF ADMISSION

This is to certify that *A. B.* of _____ has duly passed his examination before the board of examiners, and has been found qualified to fill the office and perform the duties of an Ontario Land Surveyor, he having complied with all the requirements of the law in that behalf. Wherefore the said *A. B.* is admitted to the said office and is by law authorized to practise as an Ontario Land Surveyor.

In witness whereof we have signed this certificate at the city of Toronto the _____ day of _____, 19 .

C. D., Chairman.

E. F., Secretary.

R.S.O. 1927, c. 201, Form 2.

An Act respecting Land Surveyors

1st Reading

March 3rd, 1931

*2nd Reading**3rd Reading*

MR. FINLAYSON

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Land Surveyors.

MR. FINLAYSON

No. 99

1931

BILL

An Act respecting Land Surveyors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Land Surveyors Act, 1931*.

INTERPRETATION.

Interpreta- **2.** In this Act,—
tion.

“Minister.” (a) “Minister” shall mean the Minister of Lands and Forests;

“Surveyor.” (b) “Surveyor” shall mean Ontario Land Surveyor.
R.S.O. 1927, c. 201, s. 1.

REGISTRATION OF LAND SURVEYORS.

Who may
act as a land
surveyor.

3.—(1) No person shall act as a surveyor of land in Ontario for the purpose of establishing, locating, defining or describing any limit boundary or angle whatsoever of any township, city, town, village, concession, section block, gore reserve, common lot, mining claim, mining location, or other parcel of land unless authorized to practise as a Land Surveyor according to the provisions of this Act, or so authorized before the passing thereof according to the laws then in force, and unless registered under the provisions of this Act. R.S.O. 1927, c. 201, s. 2 (1), *amended*.

Penalty.

(2) Any person who contravenes this section shall incur a penalty of \$40. R.S.O. 1927, c. 201, s. 2 (2).

ASSOCIATION OF ONTARIO LAND SURVEYORS.

Association
continued.

4.—(1) The Association of Ontario Land Surveyors herein-after called “the Association” is hereby continued and all

EXPLANATORY NOTES

Section 2. Same as present section 1.

Section 3.—(1) This is subsection 1 of the present section 2 amended to define the duties of a surveyor in accordance with section 1 of *The Surveys Act*.

(2) Same as subsection 2 of present section 2.

Section 4.—(1), (2) Same as present section 3.

persons who are now members of the Association shall continue to be members thereof subject to the by-laws of the Association and the provisions of this Act.

New members.

(2) All persons duly authorized to practise as land surveyors shall, upon becoming duly registered as hereinafter provided, become members of the Association. R.S.O. 1927, c. 201, s. 3.

Fines and fees.

5. All fines and fees payable under this Act or under any by-law of the Association shall belong to the Association. R.S.O. 1927, c. 201, s. 5.

Powers as to real estate.

6. The Association may purchase, take and possess for the purposes of the Association, but for no other purpose, and after acquiring the same may sell, mortgage, lease, or dispose of any real estate. R.S.O. 1927, c. 201, s. 4.

Council of management.

7.—(1) There shall be a council of management of the Association, hereinafter called the "Council" consisting of the Minister, the president and the vice-president of the Association, and six other elective members to be elected and hold office as hereinafter provided. R.S.O. 1927, c. 201, s. 7 (1).

Chairman and officers.

(2) The council shall elect annually one of its members as chairman, and may appoint from among the members of the Association such other officers as may be deemed necessary for carrying out the objects of this Act, and such appointed officers shall hold office during the pleasure of the council. R.S.O. 1927, c. 201, s. 7 (2), *amended*.

Investments.

8. The council may invest, in the name of the Association, any moneys of the Association in such securities as trustees may properly invest in, and the income derived therefrom shall form part of the ordinary income of the Association. R.S.O. 1927, c. 201, s. 49 (2), *amended*.

By-laws.

9.—(1) The Association may pass by-laws for:

- (a) the government, discipline and honour of its members;
- (b) the management of its property;
- (c) the examination and admission of candidates for the study or practice of the profession; and
- (d) all such other purposes as may be necessary for carrying out the objects of the Association.

Ratification.

(2) All by-laws shall be passed by the council and shall be ratified by the Association at the next annual general meeting or at a special general meeting called for the purpose. R.S.O. 1927, c. 201, s. 6.

Section 5. Same as present section 5.

Section 6. Same as present section 4.

Section 7. — (1) Same as subsection 1 of present section 7.

(2) This is a redraft of subsection 2 of the present section 7, making the appointment of "such other officers" permissive instead of directory and substituting the words "such appointed officers" for the word "who" to remove ambiguity.

Section 8. This is subsection 2 of the present section 49, with a slight change in wording.

Section 9. — (1), (2) Same as present section 6.

Annual
general
meeting.

10.—(1) The annual general meeting of the Association shall be held in the city of Toronto on the third Tuesday of February in each year at such place as the council may appoint. R.S.O. 1927, c. 201, s. 8 (1).

Special
general
meeting.

(2) Upon the written request of any ten members of the Association in good standing or of the council, the president or in his absence the vice-president may call a special general meeting to be held in the city of Toronto at a time not more than thirty days after the receipt of such request. *New.*

Notice.

(3) Notice of any such meeting shall be given by the secretary-treasurer to each member of the Association by letter posted to his registered address at least fourteen days before such meeting. R.S.O. 1927, c. 201, s. 8 (2), *amended.*

ELECTION OF OFFICERS.

Election of
President
and
Officers of
the Associa-
tion

11.—(1) The members of the Association shall elect annually from their number by sealed ballot (Form 1) the president, vice-president, secretary-treasurer and two auditors who shall hold office for one year from the termination of the annual general meeting, *or until their successors in office have been elected*, and two members of the council who shall hold office for three years from the termination of the annual general meeting, *or until their successors in office have been elected.* R.S.O. 1927, c. 201, s. 9 (1), *amended.*

(2) No person shall be eligible for election to any office or to the council or qualified to fill any vacancy thereon or for appointment by the council to any office unless his fees have been paid and he is duly qualified under the provisions of this Act and the by-laws of the Association. R.S.O. 1927, c. 201, s. 15 (2).

Nominating
Committee.

12.—(1) A nominating committee of five members of the Association in good standing other than members of the council of management shall be elected by ballot at each annual general meeting to hold office until the next annual general meeting and it shall be the duty of such nominating committee to nominate before the 1st day of December in each year at least as many eligible members for each position as are required to be elected in accordance with the provisions of section 10.

(2) The presiding officer at the meeting at which the nominating committee is elected shall appoint two scrutineers to count the votes cast for members of the nominating committee, and he shall have the casting vote in the case of a tie, and shall appoint one of the members elected to act as chairman and convener of the committee. *New.*

10.—(1) Same as subsection 1 of present section 8.

(2) This is new and provides for the calling of a special general meeting at the written request of ten members of the Association.

(3) This is subsection 2 of the present section 8 amended to provide that fourteen days' notice shall be given of a special general meeting instead of ten.

Section 11.—(1) This is subsection 1 of the present section 9 amended to permit functioning of the "nominating committee" provided for in section 12.

(2) Same as subsection 2 of present section 15.

Section 12.—(1), (2) This is new and provides for the election of a nominating committee the chief purpose of which is to ensure proper representation throughout the Province.

Nomina-
tions.

13.—(1) The chairman of the nominating committee shall forthwith after the 30th day of November in each year forward to the secretary-treasurer, by registered mail, the list of persons nominated and the secretary-treasurer shall on or before the 10th day of December in that year mail a copy of the said list to each member of the Association at his registered address.

(2) Any ten members of the Association in good standing may, by registered letter delivered to the secretary at his office on or before the 31st day of December, require the secretary to add to the list of persons nominated the name or names of any other eligible members, and the names of the members so added, with the names of the members chosen by the nomination committee, shall be placed by the secretary on the ballot paper (Form 1). *New.*

Distribution
and return
of ballots.

14.—(1) The ballot papers shall be mailed by the secretary-treasurer to each member of the Association at his registered address at least fourteen days before the annual meeting and shall be returned to the secretary-treasurer in a sealed envelope not later than 10 o'clock in the forenoon of the day prior to the annual general meeting.

Scrutineers.

(2) Two scrutineers shall be appointed by the president to examine and count the votes.

Counting
ballots.

(3) The ballot papers shall on the day prior to the annual meeting be opened by the secretary-treasurer in the presence of the scrutineers who shall examine and count the votes cast for the various candidates and keep a record thereof in a book provided for that purpose by the council. *New.*

Qualification
of voters.

15.—(1) The persons qualified to vote shall be such persons as are members of the Association and have paid all fees due from them to the Association. R.S.O. 1927, c. 201, s. 15 (1).

Where vot-
ing paper
has too
many names.

(2) In the event of an elector placing more than the required number of names upon the voting paper for members of the council the first names only not exceeding the required number shall be counted. R.S.O. 1927, c. 201, s. 14.

Who may be
present at
counting of
votes.

(3) Any person entitled to vote at the election may be present at the counting of the votes. R.S.O. 1927, c. 201, s. 12 (2).

Result of
elections.

16.—(1) The qualified persons who have the highest number of votes shall be declared elected. R.S.O. 1927, c. 201, s. 12 (3).

(2) In the case of equality of votes between two or more persons which leaves the election of one or more officers or members of the council undecided, the scrutineers shall forth-

Section 13.—(1), (2) New and self-explanatory.

Section 14.—(1), (2), (3) This is new and sets forth the procedure at elections.

Section 15.—(1) Same as subsection 1 of present section 15.

(2) Same as present section 14.

(3) Same as subsection 2 of present section 12.

16.—(1) Same as subsection 3 of present section 12.

(2) This is subsection 1 of the present section 13 with the addition of the words "member or" in the second to last line.

with put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the secretary-treasurer shall draw from the ballot box, in the presence of the scrutineers, one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be the officer or officers or the member or members of the council, as the case may be. R.S.O. 1927, c. 201, s. 13 (1), *amended*.

Result of
election
to be
reported.

17. Upon the completion of the counting of the votes the secretary-treasurer shall report the result of the election in writing signed by himself and the scrutineers to the president who shall announce the same at the annual general meeting. R.S.O. 1927, c. 201, s. 13 (2), *amended*.

Vacancies.

18. In the case of the resignation, death or dismissal of the president, vice-president, or any elective member of the council the other members of the council shall have power to fill any vacancy so caused, and the person so appointed shall hold office for the unexpired portion of the term. R.S.O. 1927, c. 201, s. 16 (2).

Disputed
elections.

19. In case of doubt or dispute as to who has been elected or as to the legality of the election, the duly elected officers and members shall be a committee, to enquire and decide the doubt or dispute, and the persons whom they decide to have been elected shall be deemed to have been duly elected and if the election is found to have been illegal the committee shall order a new election. R.S.O. 1927, c. 201, s. 17.

BOARD OF EXAMINERS.

Board of
Examiners.

20.—(1) There shall be a board of examiners hereinafter called "the board" for the examination of candidates as hereinafter provided. R.S.O. 1927, c. 201, s. 18 (1), *amended*.

Of whom the
Board is to
consist.

(2) The board shall consist of the chairman of the council, the secretary-treasurer, four other members of the Association to be appointed by the council and two to be appointed by the Lieutenant-Governor in Council.

Term of
office.

(3) The six members to be so appointed shall hold office for three years.

To supply
vacancies.

(4) In the case of resignation, death or inability to act of any member of the board, the Lieutenant-Governor in Council if such member was appointed by him, and the council if such member was appointed by it, shall appoint a member of the Association to be a member of the board of examiners for the unexpired portion of the term.

Section 17. This is subsection 2 of the present section 13 amended to provide for the announcement of the result of the election at the annual meeting.

Section 18. Same as subsection 2 of present section 16.

Section 19. Same as present section 17.

Section 20.—(1) This is subsection 1 of the present section 18 amended to conform to the change made with regard to examinations.

(2)-(7) Same as subsections (2) to (7) of present section 18.

Chairman,
quorum

(5) The chairman of the council shall be the chairman of the board and three members of the board shall form a quorum.

Examiners.

(6) The council may also appoint competent persons to assist the board in any of the subjects of examination, and may fix the expenses and fees to be paid to any of the examiners, subject to the restrictions hereinafter contained in respect of payments to members of the board.

Oath of
Examiner.

(7) Each member of the board shall take and subscribe the following oath:

I, of
having been appointed a member of the Board of Examiners under *The Land Surveyors Act, 1931*, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality. So help me God.

A.B.

Sworn before me at
this day of 19....

R.S.O. 1927, c. 201, s. 18 (2-7).

Meeting—
when and
where held.

21.—(1) The board shall meet in Toronto, on the first Monday in February in every year, and may adjourn such meeting from time to time. R.S.O. 1927, c. 201, s. 19, *amended*.

Payment of
examiners.

(2) The council shall for each day's attendance pay out of the funds of the Association to each member of the board who attends any examinations such sum, not less than \$6 nor more than \$8, as the council may by by-law determine, and his travelling expenses. R.S.O. 1927, c. 201, s. 20.

ADMISSION TO PRACTICE.

Certificate of
qualification.

22. The board shall grant a certificate (Form 2) authorizing to practise as a surveyor, any person who

Age.

(a) has attained the age of 21 years; (1928, c. 21, s. 9, *part*)

Apprentice-
ship.

(b) has served faithfully and regularly for three years under an instrument in writing duly executed before two witnesses, as a student to a surveyor in actual practice and has received from such surveyor a certificate of his having so served or proves to the satisfaction of the board that he has so served or has been wholly or partly exempted from such apprenticeship by the board in accordance with the provisions hereinafter on that behalf; (1928, c. 21, s. 9, *part, amended*)

Section 21.—(1) Same as present section 19 except that it is now provided that the Board shall meet in "Toronto" instead of in "the office of the Minister."

(2) Same as present section 20.

Sections 22, 23, 24, 25. These sections are taken from sections 24, 25, as re-enacted by section 3 of *The Statute Law Amendment Act, 1928*, 27, 28, 33, 35 and 36 of the present Act amended and arranged to embody in their proper sequence all the requirements of the Act relating to admission to practice as modified by the decision at the last annual general meeting to abandon the preliminary examination and to require university entrance standard in lieu thereof.

Inter-
mediate
examination.

- (c) has passed at least six months prior to presenting himself for the final examination an intermediate examination in such subjects as the by-laws of the Association may set out or such part thereof as specified by the board in accordance with the provisions hereinafter in that behalf; (R.S.O. 1927, c. 201, s. 24, *amended*)

Final
examination.

- (d) has passed a final examination not more than six months prior to the termination of his apprenticeship, if any, in such subjects as the by-laws of the Association may require or such part thereof as specified by the board in accordance with the provisions hereinafter in that behalf; (1928, c. 21, s. 9, *part*)

Payments.

- (e) has paid all fees due from him to the Association in accordance with the provisions of section 30 of this Act; (*new*)

References.

- (f) has produced if required by the board satisfactory evidence as to probity and sobriety; (R.S.O. 1927, c. 201, s. 33, *amended*)

Bond.

- (g) has entered into a joint and several bond to His Majesty in the sum of \$1,000, conditioned for the faithful performance of the duties of his office to be deposited in the office of the Treasurer of Ontario and ensuring to the benefit of any person sustaining damage by breach of the conditions thereof with two sufficient sureties to the satisfaction of the board or the chairman or secretary thereof; (R.S.O. 1927, c. 201, s. 35, *amended*)

Standard
measure.

- (h) has provided himself with a properly certified standard measure of length; (*new*)

Oaths of
office and
allegiance.

- (i) has taken and subscribed the oath of allegiance and the following oath of office before the chairman of the board or a member thereof deputed by the board for that purpose which said oaths of allegiance and office shall be deposited in the office of the Provincial Secretary.

I, do solemnly swear that I will faithfully discharge the duties of an Ontario Land Surveyor according to the law, without favour, affection or partiality.

R.S.O. 1927, c. 201, s. 36, *amended*.

Who may be
apprenticed.

23. No person shall be apprenticed to an Ontario Land Surveyor until he shall have produced to the secretary certificates of pass matriculation and honour matriculation

in mathematics both as prescribed by the Department of Education for the Province of Ontario or such other evidence of educational standing as is in the opinion of the board equivalent to the above. *New.*

Exemption
from
apprentice-
ship.

24. Notwithstanding anything contained in section 22, a graduate of the Royal Military College at Kingston, or a graduate in arts, engineering or mining engineering of the University of Toronto, McGill University at Montreal, or Queen's University at Kingston, shall only be bound to serve under articles with a practising surveyor, duly filed as required by section 28, during twelve successive months of active practice. (See R.S.O. 1927, c. 201, s. 28).

Exemption
when quali-
fied else-
where.

25. The board shall have power to grant exemption from the whole or part of the term of apprenticeship and from the whole or parts of the intermediate and final examinations in the case of a person who has attained the age of 21 years and has practised as a surveyor in any of His Majesty's Dominions other than the Province of Ontario, and has satisfied the board that the qualifications for practising requested in such Dominion are similar to those required in Ontario and has produced to the board his certificate or diploma; Provided that the same or similar privileges are granted in such Dominion to Ontario Land Surveyors. R.S.O. 1927, c. 201, s. 27, *amended*.

Provision in
case of
death, etc.,
of employer.

26. If a surveyor dies or leaves Ontario, or is suspended, dismissed or ceases to practise, his apprenticeship may complete his term of apprenticeship under an instrument in writing, with any registered surveyor in actual practice. R.S.O. 1927, c. 201, s. 29.

Transfer of
apprentice-
ship.

27. A surveyor may, with the consent of the apprentice by an instrument in writing, transfer him to another registered surveyor in actual practice with whom he may serve the remainder of the term of his apprenticeship. R.S.O. 1927, c. 201, s. 30.

Registration
of
apprentice-
ship
agreements.

28. Every instrument being an agreement of apprenticeship to a surveyor shall be transmitted to the secretary-treasurer within two months of the date thereof for approval and registration and if approved shall be registered by the secretary-treasurer in his office and notice of the said registration forwarded by mail to the apprenticed. R.S.O. 1927, c. 201, s. 31, *amended*.

Notice by
candidates
for
examination.

29. Every person desiring to be examined by the board shall give notice thereof in writing to the secretary-treasurer

Section 26. Same as present section 29.

Section 27. Same as present section 30.

Section 28. This is taken from the present section 31 which provides that if the instrument for admission has not been filed within the time limit set out the council may, for special reasons, permit it to be filed. This special authority is omitted from the proposed section.

Section 29. This is the present section 32 amended to conform to the new standard of entrance requirements.

at least one month before the meeting of the board. R.S.O. 1917, c. 201, s. 32, *amended*.

FEES.

Fees.

30. The following fees shall be paid to the secretary-treasurer:

- (a) for the registration of articles of apprenticeship...\$10.
- (b) For the registration of the transfer of articles of apprenticeship.....\$ 5.
- (c) By each candidate for examination with his notice to present himself thereat.....\$ 1.
- (d) By each candidate presenting himself for the intermediate examination.....\$20.
- (e) By each candidate presenting himself for the final examination.....\$40.
- (f) For intermediate certificate.....\$ 1.
- (g) For final certificate authorizing to practise.....\$10.
- (h) For registration as a surveyor in active practice..\$ 1.
- (i) For official notice of registration in the *Ontario Gazette*.....\$ 1.

R.S.O. 1927, c. 201, s. 39 (1), *amended*.

Suspension
for non-
payment of
fees.

(2) Where the annual fees of any member remain unpaid for more than six years and the council is unable to grant total exemption for such period on the ground of extenuating circumstances, such member shall be suspended from membership in the Association until such fees are paid in full or in such part as the council may deem just. R.S.O. 1927, c. 201, s. 39 (2).

REGISTRATION OF PERSONS ENTITLED.

How
register to
be kept.

31.—(1) The secretary-treasurer shall make and keep a correct register of all persons entitled to be registered under this Act, and shall enter opposite the name of any registered person who has died a statement of the fact and shall make necessary alterations in the addresses of persons registered, and subject to this Act shall keep the register in accordance with the by-laws of the Association and the orders and regulations of the council. R.S.O. 1927, c. 201, s. 41 (1).

Retirement
from
practice.

(2) A registered surveyor desiring to give up practice may have his name removed from the register upon giving written notice to the secretary-treasurer of such desire, and paying all fees due from him to the Association, and thereafter he shall not be liable to the Association for any annual or other fees, and may, upon like notice of his intention to resume practice and paying the annual fee for the year in which such notice is given, be again registered.

Rectifica-
tion of
entries.

(3) No name shall be entered in the register except of persons authorized by this Act to be registered nor unless

Section 30.—(1) This is a rearrangement of subsection 1 of the present section 39 the annual membership fee and preliminary examination fee being omitted in conformity with the new regulations.

(2) Same as subsection 2 of present section 39.

Section 31.—(1), (2), (3) Same as subsections 1, 3 and 4 of present section 41.

the secretary-treasurer is satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled and any appeal from his decision shall be decided by the council, and any entry which is proved to the satisfaction of the council to have been fraudulently or incorrectly made shall be erased from or amended in the register by order of the council. R.S.O. 1927, c. 201, s. 41 (3, 4).

Exemption
from
annual fees.

(4) The Association may provide that any surveyor who has been in the actual practice of his profession for a period of thirty-five years or more and was during the entire period a duly qualified surveyor may be exempted from payment of the annual membership fee. R.S.O. 1927, c. 201, s. 41 (5), *amended*.

Annual
register.

32.—(1) The secretary-treasurer shall in every year cause to be printed and kept for inspection in his office an annual register in which shall, be printed in alphabetical order the names and addresses of all persons authorized to practise as Ontario Land Surveyors on the 1st day of June of that year.

Evidence of
registration

(2) A copy of such annual register so printed shall be evidence in all courts and for all persons that the persons therein mentioned are registered according to the provisions of this Act. R.S.O. 1927, c. 201, s. 44 (1, 2), *amended*.

(3) In the case of any person whose name does not appear in such copy a certified copy under the hand of the secretary-treasurer of the entry of the name of such person in the register shall be like evidence that such person is registered under the provisions of this Act. R.S.O. 1927, c. 201, s. 44 (3).

FRAUDULENT REGISTRATION.

Penalty for
improper
entry.

33. If the secretary-treasurer wilfully makes or causes or allows to be made any falsification in any matter relating to the register he shall incur a penalty of not less than \$20 and not more than \$50. R.S.O. 1927, c. 201, s. 45.

Penalty for
procuring
entry by
fraud.

34. Any person who wilfully procures or attempts to procure registration under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, shall incur a penalty of not less than \$20 and not more than \$50 and the council may remove the name of the offender from the register. R.S.O. 1927, c. 201, s. 46.

Right to use
title.

35.—(1) Unless registered no person shall be entitled to take or use the name or title of "Ontario Land Surveyor" either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act.

(4) This is taken from subsection 5 of the present section 41 which provides that "The Association may by by-law provide . . . etc."

Section 32.—(1), (2) This is a rearrangement of subsections 1 and 2 of the present section 44 which provides that the register shall be "printed, published and kept for inspection free of charge" and that such register shall contain the names of all persons appearing on the general register on the "1st day of January" in such year.

(3) Same as subsection 3 of present section 44.

Section 33. Same as present section 45.

Section 34. Same as present section 46.

Section 35. Same as present section 43.

Penalty.

(2) Any person who contravenes this section shall incur a penalty not exceeding \$20 for the first offence and not exceeding \$50 for each subsequent offence. R.S.O. 1927, c. 201, s. 43.

WITNESS FEES.

Witness fees.

36. Every surveyor summoned to attend any civil or criminal court for the purpose of giving evidence in his professional capacity or in consequence of any professional service rendered by him, shall be entitled to \$5 for each day he so attends, in addition to his travelling expenses, to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court. R.S.O. 1927, c. 201, s. 40.

SUSPENSION FOR MISCONDUCT.

Dismissal or suspension of members.

37.—(1) The council may suspend or dismiss from the Association any surveyor whom it finds guilty of gross negligence or of corruption in the execution of the duties of his office; but the council shall not take action until a complaint made under oath has been filed with the secretary-treasurer, and a copy thereof forwarded to the person accused, nor shall the council suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered in support of the complaint and on behalf of the surveyor.

Evidence.

(2) The evidence shall be taken under oath to be administered by the chairman of the council, or by the person acting as such in his absence, or by the secretary, and shall be taken down by a stenographer as in the case of evidence taken in the Supreme Court.

Appeal.

(3) A surveyor so dismissed or suspended may, within fourteen days after service upon him of a copy of the order or resolution of dismissal or suspension appeal therefrom to a divisional court of the *Supreme Court of Ontario* by giving seven days' notice to the secretary-treasurer, and the practice and procedure on the appeal shall be as nearly as may be to the rules of the Supreme Court of Ontario, and the costs of such appeal shall be in the discretion of the court.

Extension of time for appealing.

(4) The Supreme Court or a judge thereof may extend the time for appealing for a further period not exceeding fourteen days.

Consequences of dismissal.

(5) Unless the order or resolution is set aside, or the Court or the council otherwise orders, a surveyor so dismissed or

Section 36. Same as present section 40.

Section 37. Same as present section 37.

suspended shall not have the right to practise as a surveyor until after the appeal has been disposed of except where the time for which he was so suspended has expired.

Removal
from
register
for crime.

(6) The council may suspend or dismiss from the Association any member who has been convicted of any crime, and cause his name to be removed from the register.

Restoration
to
register.

(7) The council may direct the registrar to restore to the register the name of any person or any entry erased therefrom, either without the fee or on payment of such fee, not exceeding the arrears of fees due to the Association as the council may fix. R.S.O. 1927, c. 201, s. 37.

ATTENDANCE OF WITNESSES.

Attendance
of
witnesses.

38. On any enquiry concerning *the* election, dismissal, suspension or restoration of any member a *subpoena* under the hand of the president or of the vice-president, or of any two members of the council, for the attendance of a witness before the council, shall have all the force of a subpoena issued by the *Supreme Court of Ontario*, and any witness not attending in obedience thereto shall be liable to attachment in the *Supreme Court of Ontario*. R.S.O. 1927, c. 201, s. 38.

RECOVERY OF FEES AND PENALTIES.

Recovery of
fees.

39.—(1) All fees payable under this Act may be recovered as ordinary debts due the Association and all penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

Application
of penalties.

(2) All penalties recovered under this Act shall immediately upon the recovery thereof be paid over by the convicting justice to the secretary-treasurer.

(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalty as it deems expedient to the prosecutor. R.S.O. 1927, c. 201, s. 47.

HOW FUNDS TO BE APPLIED.

Accounts of
Association.

40. The secretary-treasurer shall enter in books to be kept for that purpose a true account of all moneys by him received and paid, and such books shall be audited and submitted to the council and to the Association when and so often as they may require. R.S.O. 1927, c. 201, s. 50.

NOTICES AND DOCUMENTS.

Service of
notices.

41.—(1) Except as herein otherwise provided all notices and documents required by or for the purposes of this Act

Section 38. Same as present section 38.

Section 39. Same as present section 47.

Section 40. Same as present section 50.

Section 41. Same as present section 48.

to be sent by mail, if sent by registered post, shall be deemed to have been received at the time when the same would be delivered in the ordinary course of mail.

What to be
deemed
proper ad-
dress.

(2) Such notices and documents, when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address in the register of the Association. R.S.O. 1927, c. 201, s. 48.

Rev. Stat.,
c. 201
repealed.

42. *The Land Surveyors Act*, being chapter 201 of the Revised Statutes of Ontario, 1927, is repealed.

Commence-
ment of Act.

43. This Act shall come into force on the 1st day of June, 1931.

FORM 1

VOTING PAPER

(Sections 11 and 13 (2))

Association of Ontario Land Surveyors

Election 19 .

I, _____ of _____
in _____

a member of the Association of Ontario Land Surveyors, do hereby declare that

(1) The signature hereto is in my proper handwriting.

(2) I vote for *A. B.*, of _____, as (president, vice-president, secretary-treasurer, auditor *or* auditors, *as the case may be*).

(3) I vote for the following persons as members of the council of the Association: *A. B.*, of _____ and *C. D.*, of _____

(4) I have signed no other voting paper at this election.

(5) This voting paper was signed on the day of the date thereof.

Witness my hand this _____ day of _____, 19 .

R.S.O. 1927, c. 201, Form 1.

FORM 2

(Section 22)

CERTIFICATE OF ADMISSION

This is to certify that *A. B.* of _____ has duly passed his examination before the board of examiners, and has been found qualified to fill the office and perform the duties of an Ontario Land Surveyor, he having complied with all the requirements of the law in that behalf. Wherefore the said *A. B.* is admitted to the said office and is by law authorized to practise as an Ontario Land Surveyor.

In witness whereof we have signed this certificate at the city of Toronto the _____ day of _____, 19 .

C. D., Chairman.

E. F., Secretary.

R.S.O. 1927, c. 201, Form 2.

BILL

An Act respecting Land Surveyors

1st Reading

March 3rd, 1931

2nd Reading

March 4th, 1931

3rd Reading

MR. FINLAYSON

(Reprinted as amended in Committee of the
Whole House.)

No. 99

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Land Surveyors.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 99

1931

BILL

An Act respecting Land Surveyors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Land Surveyors Act, 1931*.

INTERPRETATION.

Interpreta- **2.** In this Act,—
tion.

“Minister.” (a) “Minister” shall mean the Minister of Lands and Forests;

“Surveyor.” (b) “Surveyor” shall mean Ontario Land Surveyor.
R.S.O. 1927, c. 201, s. 1.

REGISTRATION OF LAND SURVEYORS.

Who may **3.**—(1) No person shall act as a surveyor of land in Ontario
act as a land for the purpose of establishing, locating, defining or describing
surveyor. any limit boundary or angle whatsoever of any township,
city, town, village, concession, section block, gore reserve,
common lot, mining claim, mining location, or other parcel
of land unless authorized to practise as a Land Surveyor
according to the provisions of this Act, or so authorized
before the passing thereof according to the laws then in
force, and unless registered under the provisions of this Act.
R.S.O. 1927, c. 201, s. 2 (1), *amended*.

Penalty. (2) Any person who contravenes this section shall incur a
penalty of \$40. R.S.O. 1927, c. 201, s. 2 (2).

ASSOCIATION OF ONTARIO LAND SURVEYORS.

Association **4.**—(1) The Association of Ontario Land Surveyors herein-
continued. after called “the Association” is hereby continued and all

persons who are now members of the Association shall continue to be members thereof subject to the by-laws of the Association and the provisions of this Act.

(2) All persons duly authorized to practise as land surveyors shall, upon becoming duly registered as hereinafter provided, become members of the Association. R.S.O. 1927, c. 201, s. 3. ^{New members.}

5. All fines and fees payable under this Act or under any by-law of the Association shall belong to the Association. R.S.O. 1927, c. 201, s. 5. ^{Fines and fees.}

6. The Association may purchase, take and possess for the purposes of the Association, but for no other purpose, and after acquiring the same may sell, mortgage, lease, or dispose of any real estate. R.S.O. 1927, c. 201, s. 4. ^{Powers as to real estate.}

7.—(1) There shall be a council of management of the Association, hereinafter called the "Council" consisting of the Minister, the president and the vice-president of the Association, and six other elective members to be elected and ho'd office as hereinafter provided. R.S.O. 1927, c. 201, s. 7 (1). ^{Council of management.}

(2) The council shall elect annually one of its members as chairman, and may appoint from among the members of the Association such other officers as may be deemed necessary for carrying out the objects of this Act, and such appointed officers shall hold office during the pleasure of the council. R.S.O. 1927, c. 201, s. 7 (2), *amended*. ^{Chairman and officers.}

8. The council may invest, in the name of the Association, any moneys of the Association in such securities as trustees may properly invest in, and the income derived therefrom shall form part of the ordinary income of the Association. R.S.O. 1927, c. 201, s. 49 (2), *amended*. ^{Investments.}

9.—(1) The Association may pass by-laws for: ^{By-laws.}

- (a) the government, discipline and honour of its members;
- (b) the management of its property;
- (c) the examination and admission of candidates for the study or practice of the profession; and
- (d) all such other purposes as may be necessary for carrying out the objects of the Association.

(2) All by-laws shall be passed by the council and shall be ratified by the Association at the next annual general meeting or at a special general meeting called for the purpose. R.S.O. 1927, c. 201, s. 6. ^{Ratification.}

Annual
general
meeting.

10.—(1) The annual general meeting of the Association shall be held in the city of Toronto on the third Tuesday of February in each year at such place as the council may appoint. R.S.O. 1927, c. 201, s. 8 (1).

Special
general
meeting.

(2) Upon the written request of any ten members of the Association in good standing or of the council, the president or in his absence the vice-president may call a special general meeting to be held in the city of Toronto at a time not more than thirty days after the receipt of such request. *New.*

Notice.

(3) Notice of any such meeting shall be given by the secretary-treasurer to each member of the Association by letter posted to his registered address at least fourteen days before such meeting. R.S.O. 1927, c. 201, s. 8 (2), *amended.*

ELECTION OF OFFICERS.

Election of
President
and
Officers of
the Associa-
tion

11.—(1) The members of the Association shall elect annually from their number by sealed ballot (Form 1) the president, vice-president, secretary-treasurer and two auditors who shall hold office for one year from the termination of the annual general meeting, or until their successors in office have been elected, and two members of the council who shall hold office for three years from the termination of the annual general meeting, or until their successors in office have been elected. R.S.O. 1927, c. 201, s. 9 (1), *amended.*

(2) No person shall be eligible for election to any office or to the council or qualified to fill any vacancy thereon or for appointment by the council to any office unless his fees have been paid and he is duly qualified under the provisions of this Act and the by-laws of the Association. R.S.O. 1927, c. 201, s. 15 (2).

Nominating
Committee.

12.—(1) A nominating committee of five members of the Association in good standing other than members of the council of management shall be elected by ballot at each annual general meeting to hold office until the next annual general meeting and it shall be the duty of such nominating committee to nominate before the 1st day of December in each year at least as many eligible members for each position as are required to be elected in accordance with the provisions of section 10.

(2) The presiding officer at the meeting at which the nominating committee is elected shall appoint two scrutineers to count the votes cast for members of the nominating committee, and he shall have the casting vote in the case of a tie, and shall appoint one of the members elected to act as chairman and convener of the committee. *New.*

13.—(1) The chairman of the nominating committee shall forthwith after the 30th day of November in each year forward to the secretary-treasurer, by registered mail, the list of persons nominated and the secretary-treasurer shall on or before the 10th day of December in that year mail a copy of the said list to each member of the Association at his registered address. Nominations.

(2) Any ten members of the Association in good standing may, by registered letter delivered to the secretary at his office on or before the 31st day of December, require the secretary to add to the list of persons nominated the name or names of any other eligible members, and the names of the members so added, with the names of the members chosen by the nomination committee, shall be placed by the secretary on the ballot paper (Form 1). *New.*

14.—(1) The ballot papers shall be mailed by the secretary-treasurer to each member of the Association at his registered address at least fourteen days before the annual meeting and shall be returned to the secretary-treasurer in a sealed envelope not later than 10 o'clock in the forenoon of the day prior to the annual general meeting. Distribution and return of ballots.

(2) Two scrutineers shall be appointed by the president to examine and count the votes. Scrutineers.

(3) The ballot papers shall on the day prior to the annual meeting be opened by the secretary-treasurer in the presence of the scrutineers who shall examine and count the votes cast for the various candidates and keep a record thereof in a book provided for that purpose by the council. *New.* Counting ballots.

15.—(1) The persons qualified to vote shall be such persons as are members of the Association and have paid all fees due from them to the Association. R.S.O. 1927, c. 201, s. 15 (1). Qualification of voters.

(2) In the event of an elector placing more than the required number of names upon the voting paper for members of the council the first names only not exceeding the required number shall be counted. R.S.O. 1927, c. 201, s. 14. Where voting paper has too many names.

(3) Any person entitled to vote at the election may be present at the counting of the votes. R.S.O. 1927, c. 201, s. 12 (2). Who may be present at counting of votes.

16.—(1) The qualified persons who have the highest number of votes shall be declared elected. R.S.O. 1927, c. 201, s. 12 (3). Result of elections.

(2) In the case of equality of votes between two or more persons which leaves the election of one or more officers or members of the council undecided, the scrutineers shall forth-

with put into a ballot box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the secretary-treasurer shall draw from the ballot box, in the presence of the scrutineers, one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the papers so drawn shall be the officer or officers or the member or members of the council, as the case may be. R.S.O. 1927, c. 201, s. 13 (1), *amended*.

Result of
election
to be
reported.

17. Upon the completion of the counting of the votes the secretary-treasurer shall report the result of the election in writing signed by himself and the scrutineers to the president who shall announce the same at the annual general meeting. R.S.O. 1927, c. 201, s. 13 (2), *amended*.

Vacancies.

18. In the case of the resignation, death or dismissal of the president, vice-president, or any elective member of the council the other members of the council shall have power to fill any vacancy so caused, and the person so appointed shall hold office for the unexpired portion of the term. R.S.O. 1927, c. 201, s. 16 (2).

Disputed
elections.

19. In case of doubt or dispute as to who has been elected or as to the legality of the election, the duly elected officers and members shall be a committee, to enquire and decide the doubt or dispute, and the persons whom they decide to have been elected shall be deemed to have been duly elected and if the election is found to have been illegal the committee shall order a new election. R.S.O. 1927, c. 201, s. 17.

BOARD OF EXAMINERS.

Board of
Examiners.

20.—(1) There shall be a board of examiners hereinafter called "the board" for the examination of candidates as herein-after provided. R.S.O. 1927, c. 201, s. 18 (1), *amended*.

Of whom the
Board is to
consist.

(2) The board shall consist of the chairman of the council, the secretary-treasurer, four other members of the Association to be appointed by the council and two to be appointed by the Lieutenant-Governor in Council.

Term of
office.

(3) The six members to be so appointed shall hold office for three years.

To supply
vacancies.

(4) In the case of resignation, death or inability to act of any member of the board, the Lieutenant-Governor in Council if such member was appointed by him, and the council if such member was appointed by it, shall appoint a member of the Association to be a member of the board of examiners for the unexpired portion of the term.

(5) The chairman of the council shall be the chairman of the board and three members of the board shall form a quorum. ^{Chairman, quorum}

(6) The council may also appoint competent persons to assist the board in any of the subjects of examination, and may fix the expenses and fees to be paid to any of the examiners, subject to the restrictions hereinafter contained in respect of payments to members of the board. ^{Examiners.}

(7) Each member of the board shall take and subscribe the following oath: ^{Oath of Examiner.}

I, of
having been appointed a member of the Board of Examiners under *The Land Surveyors Act, 1931*, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality. So help me God.

A.B.

Sworn before me at
this day of 19....

R.S.O. 1927, c. 201, s. 18 (2-7).

21.—(1) The board shall meet in Toronto, on the first Monday in February in every year, and may adjourn such meeting from time to time. R.S.O. 1927, c. 201, s. 19, *amended*. ^{Meeting,— when and where held.}

(2) The council shall for each day's attendance pay out of the funds of the Association to each member of the board who attends any examinations such sum, not less than \$6 nor more than \$8, as the council may by by-law determine, and his travelling expenses. R.S.O. 1927, c. 201, s. 20. ^{Payment of examiners.}

ADMISSION TO PRACTICE.

22. The board shall grant a certificate (Form 2) authorizing to practise as a surveyor, any person who ^{Certificate of qualification.}

(a) has attained the age of 21 years; (1928, c. 21, s. 9, *Age. part*)

(b) has served faithfully and regularly for three years under an instrument in writing duly executed before two witnesses, as a student to a surveyor in actual practice and has received from such surveyor a certificate of his having so served or proves to the satisfaction of the board that he has so served or has been wholly or partly exempted from such apprenticeship by the board in accordance with the provisions hereinafter on that behalf; (1928, c. 21, s. 9, *part, amended*) ^{Apprenticeship.}

- Inter-
mediate
examination. (c) has passed at least six months prior to presenting himself for the final examination an intermediate examination in such subjects as the by-laws of the Association may set out or such part thereof as specified by the board in accordance with the provisions hereinafter in that behalf; (R.S.O. 1927, c. 201, s. 24, *amended*)
- Final
examination. (d) has passed a final examination not more than six months prior to the termination of his apprenticeship, if any, in such subjects as the by-laws of the Association may require or such part thereof as specified by the board in accordance with the provisions hereinafter in that behalf; (1928, c. 21, s. 9, *part*)
- Payments. (e) has paid all fees due from him to the Association in accordance with the provisions of section 30 of this Act; (*new*)
- References. (f) has produced if required by the board satisfactory evidence as to probity and sobriety; (R.S.O. 1927, c. 201, s. 33, *amended*)
- Bond. (g) has entered into a joint and several bond to His Majesty in the sum of \$1,000, conditioned for the faithful performance of the duties of his office to be deposited in the office of the Treasurer of Ontario and ensuring to the benefit of any person sustaining damage by breach of the conditions thereof with two sufficient sureties to the satisfaction of the board or the chairman or secretary thereof; (R.S.O. 1927, c. 201, s. 35, *amended*)
- Standard
measure. (h) has provided himself with a properly certified standard measure of length; (*new*)
- Oaths of
office and
allegiance. (i) has taken and subscribed the oath of allegiance and the following oath of office before the chairman of the board or a member thereof deputed by the board for that purpose which said oaths of allegiance and office shall be deposited in the office of the Provincial Secretary.

I, do solemnly swear that I will faithfully discharge the duties of an Ontario Land Surveyor according to the law, without favour, affection or partiality.

R.S.O. 1927, c. 201, s. 36, *amended*.

Who may be
apprenticed. **23.** No person shall be apprenticed to an Ontario Land Surveyor until he shall have produced to the secretary certificates of pass matriculation and honour matriculation

in mathematics both as prescribed by the Department of Education for the Province of Ontario or such other evidence of educational standing as is in the opinion of the board equivalent to the above. *New.*

24. Notwithstanding anything contained in section 22, a graduate of the Royal Military College at Kingston, or a graduate in arts, engineering or mining engineering of the University of Toronto, McGill University at Montreal, or Queen's University at Kingston, shall only be bound to serve under articles with a practising surveyor, duly filed as required by section 28, during twelve successive months of active practice. (See R.S.O. 1927, c. 201, s. 28). Exemption from apprenticeship.

25. The board shall have power to grant exemption from the whole or part of the term of apprenticeship and from the whole or parts of the intermediate and final examinations in the case of a person who has attained the age of 21 years and has practised as a surveyor in any of His Majesty's Dominions other than the Province of Ontario, and has satisfied the board that the qualifications for practising requested in such Dominion are similar to those required in Ontario and has produced to the board his certificate or diploma; Provided that the same or similar privileges are granted in such Dominion to Ontario Land Surveyors. R.S.O. 1927, c. 201, s. 27, *amended*. Exemption when qualified elsewhere.

26. If a surveyor dies or leaves Ontario, or is suspended, dismissed or ceases to practise, his apprentice may complete his term of apprenticeship under an instrument in writing, with any registered surveyor in actual practice. R.S.O. 1927, c. 201, s. 29. Provision in case of death, etc., of employer.

27. A surveyor may, with the consent of the apprentice by an instrument in writing, transfer him to another registered surveyor in actual practice with whom he may serve the remainder of the term of his apprenticeship. R.S.O. 1927, c. 201, s. 30. Transfer of apprenticeship.

28. Every instrument being an agreement of apprenticeship to a surveyor shall be transmitted to the secretary-treasurer within two months of the date thereof for approval and registration and if approved shall be registered by the secretary-treasurer in his office and notice of the said registration forwarded by mail to the apprenticed. R.S.O. 1927, c. 201, s. 31, *amended*. Registration of apprenticeship agreements.

29. Every person desiring to be examined by the board shall give notice thereof in writing to the secretary-treasurer Notice by candidates for examination.

at least one month before the meeting of the board. R.S.O. 1917, c. 201, s. 32, *amended*.

FEES.

Fees.

30. The following fees shall be paid to the secretary-treasurer:

- (a) for the registration of articles of apprenticeship... \$10.
- (b) For the registration of the transfer of articles of apprenticeship..... \$ 5.
- (c) By each candidate for examination with his notice to present himself thereat..... \$ 1.
- (d) By each candidate presenting himself for the intermediate examination..... \$20.
- (e) By each candidate presenting himself for the final examination..... \$40.
- (f) For intermediate certificate..... \$ 1.
- (g) For final certificate authorizing to practise..... \$10.
- (h) For registration as a surveyor in active practice.. \$ 1.
- (i) For official notice of registration in the *Ontario Gazette*..... \$ 1.

R.S.O. 1927, c. 201, s. 39 (1), *amended*.

Suspension
for non-
payment of
fees.

(2) Where the annual fees of any member remain unpaid for more than six years and the council is unable to grant total exemption for such period on the ground of extenuating circumstances, such member shall be suspended from membership in the Association until such fees are paid in full or in such part as the council may deem just. R.S.O. 1927, c. 201, s. 39 (2).

REGISTRATION OF PERSONS ENTITLED.

How
register to
be kept.

31.—(1) The secretary-treasurer shall make and keep a correct register of all persons entitled to be registered under this Act, and shall enter opposite the name of any registered person who has died a statement of the fact and shall make necessary alterations in the addresses of persons registered, and subject to this Act shall keep the register in accordance with the by-laws of the Association and the orders and regulations of the council. R.S.O. 1927, c. 201, s. 41 (1).

Retirement
from
practice.

(2) A registered surveyor desiring to give up practice may have his name removed from the register upon giving written notice to the secretary-treasurer of such desire, and paying all fees due from him to the Association, and thereafter he shall not be liable to the Association for any annual or other fees, and may, upon like notice of his intention to resume practice and paying the annual fee for the year in which such notice is given, be again registered.

Rectifica-
tion of
entries.

(3) No name shall be entered in the register except of persons authorized by this Act to be registered nor unless

the secretary-treasurer is satisfied by proper evidence that the person claiming to be entitled to be registered is so entitled and any appeal from his decision shall be decided by the council, and any entry which is proved to the satisfaction of the council to have been fraudulently or incorrectly made shall be erased from or amended in the register by order of the council. R.S.O. 1927, c. 201, s. 41 (3, 4).

(4) The Association may provide that any surveyor who has been in the actual practice of his profession for a period of thirty-five years or more and was during the entire period a duly qualified surveyor may be exempted from payment of the annual membership fee. R.S.O. 1927, c. 201, s. 41 (5), *amended*. Exemption from annual fees.

32.—(1) The secretary-treasurer shall in every year cause to be printed and kept for inspection in his office an annual register in which shall be printed in alphabetical order the names and addresses of all persons authorized to practise as Ontario Land Surveyors on the 1st day of June of that year. Annual register.

(2) A copy of such annual register so printed shall be evidence in all courts and for all persons that the persons therein mentioned are registered according to the provisions of this Act. R.S.O. 1927, c. 201, s. 44 (1, 2), *amended*. Evidence of registration.

(3) In the case of any person whose name does not appear in such copy a certified copy under the hand of the secretary-treasurer of the entry of the name of such person in the register shall be like evidence that such person is registered under the provisions of this Act. R.S.O. 1927, c. 201, s. 44 (3).

FRAUDULENT REGISTRATION.

33. If the secretary-treasurer wilfully makes or causes or allows to be made any falsification in any matter relating to the register he shall incur a penalty of not less than \$20 and not more than \$50. R.S.O. 1927, c. 201, s. 45. Penalty for improper entry.

34. Any person who wilfully procures or attempts to procure registration under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, shall incur a penalty of not less than \$20 and not more than \$50 and the council may remove the name of the offender from the register. R.S.O. 1927, c. 201, s. 46. Penalty for procuring entry by fraud.

35.—(1) Unless registered no person shall be entitled to take or use the name or title of "Ontario Land Surveyor", either alone or in combination with any other word or words, or any name, title or description implying that he is registered under this Act. Right to use title.

Penalty.

(2) Any person who contravenes this section shall incur a penalty not exceeding \$20 for the first offence and not exceeding \$50 for each subsequent offence. R.S.O. 1927, c. 201, s. 43.

WITNESS FEES.

Witness fees.

36. Every surveyor summoned to attend any civil or criminal court for the purpose of giving evidence in his professional capacity or in consequence of any professional service rendered by him, shall be entitled to \$5 for each day he so attends, in addition to his travelling expenses, to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court. R.S.O. 1927, c. 201, s. 40.

SUSPENSION FOR MISCONDUCT.

Dismissal or suspension of members.

37.—(1) The council may suspend or dismiss from the Association any surveyor whom it finds guilty of gross negligence or of corruption in the execution of the duties of his office; but the council shall not take action until a complaint made under oath has been filed with the secretary-treasurer, and a copy thereof forwarded to the person accused, nor shall the council suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered in support of the complaint and on behalf of the surveyor.

Evidence.

(2) The evidence shall be taken under oath to be administered by the chairman of the council, or by the person acting as such in his absence, or by the secretary, and shall be taken down by a stenographer as in the case of evidence taken in the Supreme Court.

Appeal.

(3) A surveyor so dismissed or suspended may, within fourteen days after service upon him of a copy of the order or resolution of dismissal or suspension appeal therefrom to a divisional court of the Supreme Court of Ontario by giving seven days' notice to the secretary-treasurer, and the practice and procedure on the appeal shall be as nearly as may be to the rules of the Supreme Court of Ontario, and the costs of such appeal shall be in the discretion of the court.

Extension of time for appealing.

(4) The Supreme Court or a judge thereof may extend the time for appealing for a further period not exceeding fourteen days.

Consequences of dismissal.

(5) Unless the order or resolution is set aside, or the Court or the council otherwise orders, a surveyor so dismissed or

suspended shall not have the right to practise as a surveyor until after the appeal has been disposed of except where the time for which he was so suspended has expired.

(6) The council may suspend or dismiss from the Association any member who has been convicted of any crime, and cause his name to be removed from the register. Removal from register for crime.

(7) The council may direct the registrar to restore to the register the name of any person or any entry erased therefrom, either without the fee or on payment of such fee, not exceeding the arrears of fees due to the Association as the council may fix. R.S.O. 1927, c. 201, s. 37. Restoration to register.

ATTENDANCE OF WITNESSES.

33. On any enquiry concerning the election, dismissal, suspension or restoration of any member a subpoena under the hand of the president or of the vice-president, or of any two members of the council, for the attendance of a witness before the council, shall have all the force of a subpoena issued by the Supreme Court of Ontario, and any witness not attending in obedience thereto shall be liable to attachment in the Supreme Court of Ontario. R.S.O. 1927, c. 201, s. 38. Attendance of witnesses.

RECOVERY OF FEES AND PENALTIES.

39.—(1) All fees payable under this Act may be recovered as ordinary debts due the Association and all penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*. Recovery of fees. Rev. Stat., c. 121.

(2) All penalties recovered under this Act shall immediately upon the recovery thereof be paid over by the convicting justice to the secretary-treasurer. Application of penalties.

(3) Any person may be prosecutor or complainant under this Act, and the council may allot such portion of the penalty as it deems expedient to the prosecutor. R.S.O. 1927, c. 201, s. 47.

HOW FUNDS TO BE APPLIED.

40. The secretary-treasurer shall enter in books to be kept for that purpose a true account of all moneys by him received and paid, and such books shall be audited and submitted to the council and to the Association when and so often as they may require. R.S.O. 1927, c. 201, s. 50. Accounts of Association.

NOTICES AND DOCUMENTS.

41.—(1) Except as herein otherwise provided all notices and documents required by or for the purposes of this Act Service of notices.

to be sent by mail, if sent by registered post, shall be deemed to have been received at the time when the same would be delivered in the ordinary course of mail.

What to be
deemed
proper ad-
dress.

(2) Such notices and documents, when sent to a person registered under this Act, shall be deemed to be properly addressed if addressed to him according to his address in the register of the Association. R.S.O. 1927, c. 201, s. 48.

Rev. Stat.,
c. 201
repealed.

42. *The Land Surveyors Act*, being chapter 201 of the Revised Statutes of Ontario, 1927, is repealed.

Commence-
ment of Act.

43. This Act shall come into force on the 1st day of June, 1931.

FORM 1

VOTING PAPER

(Sections 11 and 13 (2))

Association of Ontario Land Surveyors

Election 19 .

I, _____ of _____
in _____

a member of the Association of Ontario Land Surveyors, do hereby declare that

(1) The signature hereto is in my proper handwriting.

(2) I vote for *A. B.*, of _____, as (president, vice-president, secretar, -treasurer, auditor or auditors, as the case may be).

(3) I vote for the following persons as members of the council of the Association: *A. B.*, of _____ and *C. D.*, of _____

(4) I have signed no other voting paper at this election.

(5) This voting paper was signed on the day of the date thereof.

Witness my hand this _____ day of _____, 19 .

R.S.O. 1927, c. 201, Form 1.

FORM 2

(Section 22)

CERTIFICATE OF ADMISSION

This is to certify that *A. B.* of _____ has duly passed his examination before the board of examiners, and has been found qualified to fill the office and perform the duties of an Ontario Land Surveyor, he having complied with all the requirements of the law in that behalf. Wherefore the said *A. B.* is admitted to the said office and is by law authorized to practise as an Ontario Land Surveyor.

In witness whereof we have signed this certificate at the city of Toronto the _____ day of _____, 19 .

C. D., Chairman.

E. F., Secretary.

R.S.O. 1927, c. 201, Form 2.

BILL

An Act respecting Land Surveyors

1st Reading

March 3rd, 1931

2nd Reading

March 4th, 1931

3rd Reading

March 27th, 1931

MR. FINLAYSON

No. 100

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Registry Act.

MR. HEIGHINGTON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 100

1931

BILL

An Act to amend The Registry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Registry Act, 1931*.

Rev. Stat.,
c. 155, s. 69,
amended. **2.** Section 69 of *The Registry Act* is amended by adding thereto the following subsection:

Registration
of by-laws
containing
building
restrictions. (5) Every by-law heretofore or hereafter passed or purporting to be or to have been passed by a municipal council for restricting the use of land or the erection or use of buildings, or for regulating the size, type, character or location of any building within any defined area or areas or abutting on any defined highway or part of a highway, or declaring any highway or part of a highway to be a residential street, or for prescribing the distance from the street line at which buildings may be erected or placed, shall, before the same becomes effectual in law, be registered in the proper registry office for the registry division in which the lands thereby affected, or any part thereof, are situate, by depositing with the registrar a copy of the by-law certified under the signature of the clerk of the municipality and the corporate seal.

Commence-
ment of Act. **3.** This Act shall come into force on the 1st day of June, 1931.

EXPLANATORY NOTE

This Bill is intended to provide that notice, as defined in the registry laws, shall be given to persons purchasing property as to the restrictions relating to the use of the lands they are purchasing.

BILL

An Act to amend The Registry Act.

1st Reading

March 3rd, 1931

2nd Reading

3rd Reading

MR. HEIGHINGTON

No. 101

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL
An Act to amend The Power Commission Act.

MR. COOKE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Power Commission Act, 1931*.

Rev. Stat.,
c. 57, s. 49,
subs. 5,
amended.

2. Subsection 5 of section 49 of *The Power Commission Act* is amended by inserting the words "principal or" before the words "sinking fund" in the fifth line thereof, and is further amended by inserting the word "of" before the word "interest" in the fifth line thereof.

Rev. Stat.,
c. 57, s. 64,
subs. 8
(1929,
c. 20, s. 6),
amended.

3. Subsection 8 of section 64 of *The Power Commission Act* as enacted by section 6 of *The Power Commission Act, 1929*, is amended by inserting after the word "costs" in the tenth line thereof the words "at any time," and is further amended by inserting after the word "area" in the eleventh line thereof the words "whether under this Act or *The Local Improvement Act*," and is further amended by adding before the word "only" in the thirteenth line thereof the following words, "it shall not be necessary to levy any special rate under *The Local Improvement Act* to provide for the payments which would otherwise be levied under the said Act in respect of the lands included in the area;"

Street
lighting
on local
improve-
ment plan.

Rev. Stat.,
c. 57, s. 80,
amended.

4. Section 80 of *The Power Commission Act* is amended by adding thereto the following subsection:

Proving
regulations
as to installa-
tions, etc.

(12) The regulations passed pursuant to this section may be proved by the production of a copy of such rules and regulations certified to by the Secretary and bearing the seal of the Commission and the production of such certified copy bearing the seal of the Commission shall be *prima facie* evidence of the due execution thereof by the said Secretary.

Rev. Stat.,
c. 57, s. 81,
amended.

5. Section 81 of *The Power Commission Act* is amended by adding thereto the following subsections:

EXPLANATORY NOTES

A distinction may be drawn between the two parts of the proposed Bill. Sections 2 to 7 are attempts to cure defects reported during the year, by means of short amendments to individual sections. Sections 8 to 10 are intended to validate the transfers to the Commission of the property of the companies purchased, and to vest these properties in the Commission.

Section 2. In the section dealing with voted areas, namely, section 49—provision was made for levying the rate necessary to pay sinking fund and interest on the debentures. Solicitors representing a township pointed out that a great many debentures now are serial debentures. The amendment provides for this by including principal as well as sinking fund.

Section 3. In the 1929 addition to the code for township street lighting provision was made for including in a street lighting area territory where street lighting had already been installed on a local improvement basis. The intent has always been that after including part of a local improvement scheme in a street lighting area, that proportion of the annual charges for the street lighting debentures should be raised in the equal rate assessed over the street lighting area. To make perfectly plain that this applies to debentures previously issued, and therefore, costs previously incurred, the amendment proposed in section 3 has been drafted. In addition, there is a provision relieving of the necessity to still levy within the area on the local improvement scheme. This has been found necessary because at least one clerk insisted on continuing to levy on the local improvement basis. There is a similar provision in section 32 of *The Public Utilities Act* where moneys have been provided from revenues of the utility and the treasurer, therefore, does not need to levy in the tax rate for debentures.

Section 4. For convenience for producing evidence in court it is desired to use the printed copy of the Commission's regulations under the certificate of the secretary and the seal of the Commission. For this purpose subsection 12 has been added to section 80. Without this amendment a technical objection under the law of evidence might require production of an original order-in-council and this would be not only inconvenient to the Commission but also to the staff at the Parliament Buildings.

Section 5. Considerable difficulty has been experienced in relation to approval of municipal extensions, more particularly ornamental street lighting. The proposed amendment will, first, make clear that the approval given by the Commission of the estimated cost will be sufficient so long as the actual cost and amount of debenture issue do not exceed it by more than five per cent. Second, exclude ornamental street lighting on the local improvement basis.

Municipal debentures for extension or improvement.

- (5) The provisions of this section shall not apply to any by-law or by-laws authorizing the issue of debentures to defray the cost of, or to repay temporary loans incurred in connection with any works mentioned in subsection 1 hereof, when the estimated cost of such works and the borrowing of such estimated cost has been approved by the Commission and the principal amount of the debentures so authorized does not exceed the estimated cost aforesaid by more than five per cent.

Restriction as to application of local improvement by-law.

- (6) Equipment, plant and works constructed and erected on petition only as defined in clause *n* of subsection 1 of section 2 of *The Local Improvement Act* shall not be deemed extensions or improvements within the meaning of this section.

Rev. Stat., c. 57, s. 97, subs. 1, amended.

- 6.**—(1) Subsection 1 of section 97 of *The Power Commission Act* is amended by inserting before the word "Notwithstanding" at the commencement thereof the words "Except as provided in this section."

Appointment of municipal commissions.

- (2) Subsection 2 of section 97 of *The Power Commission Act* is amended by striking out the words "at its first meeting in each year" in the tenth line and is further amended by striking out the word "or" in the thirteenth line and substituting therefor the word "and".

Rev. Stat., c. 57, s. 97, amended.

- (3) Section 97 of *The Power Commission Act* is amended by adding thereto the following subsection:

Order of appointments on city commission.

- (3) The order of the appointment of Commissioners provided for in subsection 2 shall be that the Commission may, if it sees fit to do so and has not at the time the vacancy occurs an appointee holding office on the municipal commission, first make an appointment. If the Commission desires to defer its appointment until the next vacancy occurs the council of the city shall make such appointment, but nothing in this subsection or in subsection 2 shall have the effect of removing from office any member of such municipal commission until his term of office shall have expired.

Rev. Stat., c. 57, s. 98, subs. 1, amended.

- 7.** Subsection 1 of section 98 of *The Power Commission Act* is amended by adding thereto the following as clause *c*:

Prohibition of municipal commissioners being interested in certain concerns.

- (c) Act as director, officer or employee of any company referred to in clause (a), or having any interest referred to in clause (b), or act as trustee, agent or

Section 6. Three amendments are suggested to section 97 dealing with the election or appointment of municipal Commissions. The purpose of the first two is to clarify the meaning and eliminate any apparent contradiction in the wording. In addition a new subsection 3 is added establishing the order in which appointments shall be made by the Ontario Commission and by the local council. This was part of the procedure which was not clear before.

Section 7. A commissioner in another city was executor under a will where a business was being carried on which included supply of electrical appliances and, on the incorporation of this business he wished to act as director. The intent of section 98 appeared to be against such a conflict of interests. To make the matter clear an additional clause is proposed to subsection (1).

representative of any firm or individual in respect of any business or interest referred to in clause (a) or clause (b).

Sale of
Wahnapiatae
Company's
assets
confirmed.

8. The two agreements each dated 30th day of April, A.D. 1930, for sale and transfer to Wahnapiatae Power Company Limited by its two subsidiary companies, Upper Wahnapiatae River Improvement Company Limited and Wahnapiatae Boom and Timber Slide Company Limited, of all the properties, rights, assets, franchises and undertakings of each of the said subsidiary companies respectively, and also the agreement dated 30th day of April, A.D. 1930, for sale and transfer by Wahnapiatae Power Company Limited of all its properties, rights, assets, franchises and undertakings to The Hydro-Electric Power Commission of Ontario in which the Montreal Trust Company joined as a Party are all hereby confirmed and declared to be legal, valid and binding to all intents and purposes and to have been authorized by *The Power Commission and Companies Transfer Act, 1930*.

1930, c. 16.

Sale of
Galetta
Company's
assets
confirmed.

9. The agreement dated the 30th day of April, A.D. 1930, for sale and transfer by The Galetta Electric Power and Milling Company Limited of all its properties, rights, assets, franchises and undertakings to The Hydro-Electric Power Commission of Ontario is hereby confirmed and declared to be legal, valid and binding to all intents and purposes.

Agreements
for transfer
of assets of
certain
companies
confirmed.

10. The agreement dated the 31st day of March, A.D. 1930, for sale and transfer by Public Utilities Consolidated Corporation of all its Ontario properties, rights, assets, franchises and undertakings to The Hydro-Electric Power Commission of Ontario, and the two agreements each dated the 1st day of October, A.D. 1930, for sale and transfer by The Walkerton Electric Light and Power Company Limited and by The Saugeen Electric Light and Power Company of Ontario Limited of all the properties, rights, assets, franchises and undertakings of each of the said companies respectively to The Hydro-Electric Power Commission of Ontario are all hereby confirmed and declared to be legal, valid and binding to all intents and purposes.

Confirma-
tion of title.

11. All and every part of the properties, assets, contracts, easements, rights, privileges, licenses, franchises and undertakings agreed to be sold to the Commission by any of the said agreements mentioned in sections 8, 9 and 10 or conveyed or purported to be conveyed to the said Commission thereby shall be, and shall be deemed to have been from the date of the respective agreement selling, conveying or purporting to convey the same, vested in and the property of the Commission free from all liens, charges and encumbrances save only that everything agreed to be sold, conveyed or purported to be conveyed under the said agreement for sale and transfer from Wahnapiatae Power Company Limited to The Hydro-Electric

Sections 8 to 11. The several agreements transferring property to the Commission are validated and the property vested in the Commission. The form used follows that used on previous occasions.

Power Commission of Ontario dated the 30th day of April, A.D. 1930, shall be subject to the indenture of mortgage dated the 1st day of November, A.D. 1924, given by the Wahnapitae Power Company Limited to Montreal Trust Company as provided in *The Power Commission and Companies Transfer Act, 1930*.

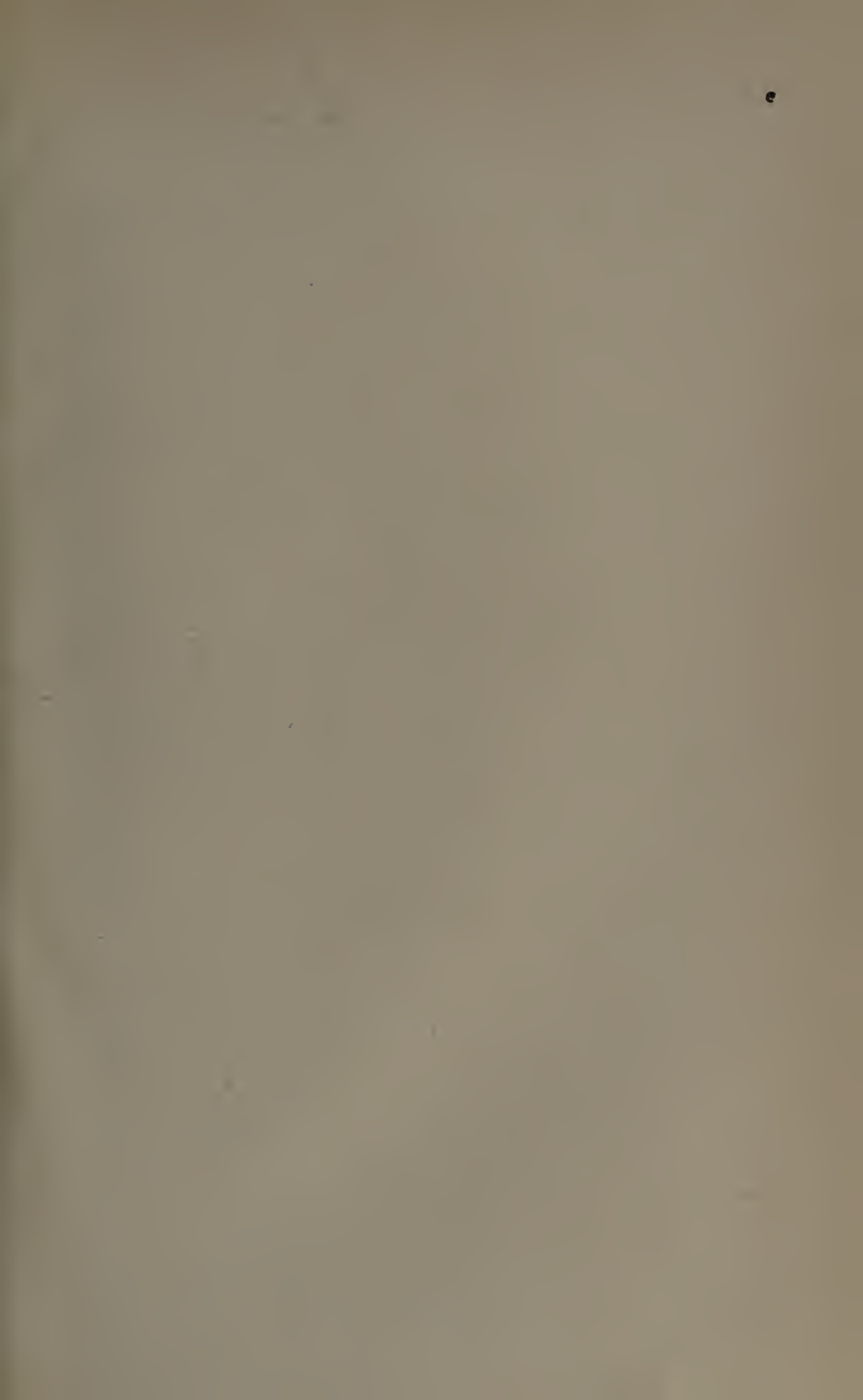
By-laws confirmed.

12. By-law number 1317 of the corporation of the town of Napanee; by-laws numbers 854 and 855 of the corporation of the town of Deseronto; by-law number A 196 of the corporation of the village of Brighton; by-laws numbers 265 and 267 of the corporation of the village of Cardinal; by-laws numbers 706 and 707 of the corporation of the village of Hastings; by-law number 442 of the corporation of the village of Madoc; by-law number 391 of the corporation of the village of Stirling; by-law number 351 of the corporation of the village of Tweed; by-law number 31 of 1929 of the corporation of the village of Windermere; by-law number 182 of the corporation of the township of Ameliasburg; by-law number 785 of the corporation of the township of Ancaster; by-law number 1047 of the corporation of the township of Bastard and Burgess South; by-laws numbers 614 and 615 of the corporation of the township of Camden East; by-law number A-11 of the corporation of the township of Crosby South; by-law number 1078 of the corporation of the township of East Whitby; by-law number 1228 of the corporation of the township of Hamilton; by-law number 420 of the corporation of the township of Hillier; by-law number 488 of the corporation of the township of Hungerford; by-law number 256 of the corporation of the township of Kingston; by-law number 704 of the corporation of the township of Lobo; by-law number 134B of the corporation of the township of Loughborough; by-laws numbers 1049 and 1050 of the corporation of the township of Manvers; by-law number 698 of the corporation of the township of Medonte; by-law number 604 of the corporation of the township of Rainham; by-law number 549 of the corporation of the township of Rawdon; by-law number 410 of the corporation of the township of Stamford; by-law number 9 of 1930 of the corporation of the township of Thorold; by-law number 936 of the corporation of the township of Walpole; by-law number 2 of 1930 of the corporation of the township of Woford; and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

Commencement of Act.

13. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 12. This is the usual section validating by-laws.



BILL

An Act to amend The Power Commission
Act.

1st Reading

March 3rd, 1931

2nd Reading

3rd Reading

MR. COOKE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Surveys Act.

MR. FINLAYSON

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. 1. This Act may be cited as *The Surveys Act, 1931*.
- Rev. Stat.,
c. 202, s. 4,
amended. 2. Section 4 of *The Surveys Act* is amended by adding thereto the following subsections:
- Custody
of field
notes, etc.,
of deceased
surveyor. (2) Where a surveyor has died and no arrangements have been made, within six months, to place his field notes, records and indices in the custody of a surveyor in active practice, they shall be delivered by the executors of the estate of the deceased surveyor to the Minister who shall hold them until such time as arrangements may be made to place the said field notes, records and indices in the custody of a surveyor in active practice.
- To be
deemed
public
documents. (3) During the time the said field notes, records and indices are in the possession of the Minister they shall be considered to be public documents and shall be open for inspection by interested parties in accordance with the regulations of the Department for that purpose.
- Rev. Stat.,
c. 202, s. 12,
subs. 3,
amended. 3. Subsection 3 of section 12 of *The Surveys Act* is amended by striking out the word "stakes" in the last line but one and inserting in lieu thereof the words "posts or monuments," so that the subsection will now read as follows:
- Methods of
original
survey to be
followed. (3) Where a surveyor is employed to establish or re-establish the boundaries of any road, street, lane, common, lot, block or parcel of land shown on any such plan, he shall follow the method adopted in making the original survey as shown on the plan or field notes and shall give proportionate dimensions

EXPLANATORY NOTES

Section 2. The object of this amendment is to protect and preserve the records and field notes of deceased surveyors. It is felt that in some cases these notes have been lost or destroyed because the value of them as public information was not realized by the surveyor's descendants. If these notes are purchased or handed over to a practising surveyor they are available under *The Surveys Act* for production as evidence when required, but if they remain locked up by some private party they are eventually lost or destroyed. The amendment provides that these notes, if not passed to possession of a surveyor in active practice, shall be deposited in the Surveys Department for record.

Section 3. The word "stakes" used in the present section is not a proper term but is intended to refer to posts and monuments planted by surveyors.

to each lot shown thereon where the original posts or monuments defining the angles of such lot cannot be found or their position satisfactorily established.

Rev. Stat.,
c. 202, s. 13,
subs. 1,
amended.

4. Subsection 1 of section 13 of *The Surveys Act* is amended by striking out the clauses *a* and *b* therein and inserting in lieu thereof the following:

(a) Stone or reinforced concrete 5 inches square at the top, 8 inches square at the base and not less than 4 feet in length, the base of which is to be planted 3 feet 6 inches below the surface.

(b) Iron bar 1 inch square, 4 feet long, the point of which is to be driven 3 feet 6 inches below the surface.

Rev. Stat.,
c. 202, s. 18,
repealed.

5. Section 18 of *The Surveys Act* is repealed and the following substituted therefor:

Expenses of
survey,—
how paid.

18. All expenses incurred in making any survey and placing any monument under the provisions of sections 14, 15, 16 and 17 shall be paid to the surveyor making the survey on certificate and order of the Minister by the treasurer of the municipality by whom the application for the survey is made.

Rev. Stat.,
c. 202, s. 19,
amended.

6. Section 19 of *The Surveys Act* is amended by striking out the word "either" where the same occurs in the ninth line of subsection 1, in the fifth line of subsection 2, in the ninth line of subsection 3 and in the fifth line of subsection 4 and inserting in lieu thereof the word "each."

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 4. As clauses (a) and (b) stand at present it would appear that the monuments were to be planted three feet six inches below the surface. The intention is that the base or point is to be three feet six inches below the surface—not the whole monument.

Section 5. This is intended to make it clear who is to pay the surveyor for his work.

Section 6. This is to make clear the actual intention of the Act—that there must be one undisputed point on *each* side—not one on either side.

BILL

An Act to amend The Surveys Act.

1st Reading

March 3rd, 1931

2nd Reading

3rd Reading

MR. FINLAYSON

No 102

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Surveys Act.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. **1.** This Act may be cited as *The Surveys Act, 1931*.
- Rev. Stat.,
c. 202, s. 4,
amended. **2.** Section 4 of *The Surveys Act* is amended by adding thereto the following subsections:
- Custody
of field
notes, etc.,
of deceased
surveyor. (2) Where a surveyor has died and no arrangements have been made, within six months, to place his field notes, records and indices in the custody of a surveyor in active practice, they shall be delivered by the executors of the estate of the deceased surveyor to the Minister who shall hold them until such time as arrangements may be made to place the said field notes, records and indices in the custody of a surveyor in active practice.
- To be
deemed
public
documents. (3) During the time the said field notes, records and indices are in the possession of the Minister they shall be considered to be public documents and shall be open for inspection by interested parties in accordance with the regulations of the Department for that purpose.
- Rev. Stat.,
c. 202, s. 12,
subs. 3,
amended. **3.** Subsection 3 of section 12 of *The Surveys Act* is amended by striking out the word "stakes" in the last line but one and inserting in lieu thereof the words "posts or monuments," so that the subsection will now read as follows:
- Methods of
original
survey to be
followed. (3) Where a surveyor is employed to establish or re-establish the boundaries of any road, street, lane, common, lot, block or parcel of land shown on any such plan, he shall follow the method adopted in making the original survey as shown on the plan or field notes and shall give proportionate dimensions

to each lot shown thereon where the original posts or monuments defining the angles of such lot cannot be found or their position satisfactorily established.

4. Subsection 1 of section 13 of *The Surveys Act* is amended by striking out the clauses *a* and *b* therein and inserting in lieu thereof the following: Rev. Stat., c. 202, s. 13, subs. 1, amended.

(a) Stone or reinforced concrete 5 inches square at the top, 8 inches square at the base and not less than 4 feet in length, the base of which is to be planted 3 feet 6 inches below the surface.

(b) Iron bar 1 inch square, 4 feet long, the point of which is to be driven 3 feet 6 inches below the surface.

5. Section 18 of *The Surveys Act* is repealed and the following substituted therefor: Rev. Stat., c. 202, s. 18, repealed.

18. All expenses incurred in making any survey and placing any monument under the provisions of sections 14, 15, 16 and 17 shall be paid to the surveyor making the survey on certificate and order of the Minister by the treasurer of the municipality by whom the application for the survey is made. Expenses of survey, — how paid.

6. Section 19 of *The Surveys Act* is amended by striking out the word "either" where the same occurs in the ninth line of subsection 1, in the fifth line of subsection 2, in the ninth line of subsection 3 and in the fifth line of subsection 4 and inserting in lieu thereof the word "each." Rev. Stat., c. 202, s. 19, amended.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Surveys Act.

1st Reading

March 3rd, 1931

2nd Reading

March 4th, 1931

3rd Reading

March 27th, 1931

MR. FINLAYSON

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Land Titles Act.

MR. HEIGHINGTON

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 103

1931

BILL

An Act to amend The Land Titles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Land Titles Act, 1931*.

Rev. Stat.,
c. 158, s. 99,
amended. **2.** Section 99 of *The Land Titles Act* is amended by adding thereto the following subsection:

Registration
of by-laws
containing
building
restrictions.

- (5) Every by-law heretofore or hereafter passed, or purporting to be or to have been passed by a municipal council for restricting the use of land or the erection or use of buildings, or for regulating the size, type, character or location of any building within any defined area or areas or abutting on any defined highway or part of a highway, or declaring any highway or part of a highway to be a residential street or for prescribing the distance from the street line at which buildings may be erected or placed, and which affects lands registered under the provisions of this Act, shall, before the same becomes effectual in law, be registered in the same manner and to the same effect as is hereinbefore provided with regard to conditions or covenants running with the land, and it shall be the duty of the Master of Titles to receive and so to record any such by-law on production of a copy thereof certified as such under the signature of the clerk of the municipality and the corporate seal.

Commence-
ment of Act. **3.** This Act shall come into force the 1st day of June, 1931.

EXPLANATORY NOTE

This Bill is intended to provide that notice, as defined in the registry laws, shall be given to persons purchasing property as to the restrictions relating to the use of the lands they are purchasing.

BILL

An Act to amend The Land Titles Act.

1st Reading

March 3rd, 1931

2nd Reading

3rd Reading

MR. HEIGHINGTON

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Fire Marshals Act.

MR. PRICE

No. 104

1931

BILL

An Act to amend The Fire Marshals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Fire Marshals Act, 1931*.

Rev. Stat.,
c. 295, s. 12,
subs. 2,
amended. 2. Subsection 2 of section 12 of *The Fire Marshals Act* is amended by adding thereto the following clause:

Penalty. (b) Every person who contravenes the provisions of this section shall be guilty of an offence against this Act and shall be liable to the penalty prescribed by section 16.

Rev. Stat.,
c. 295, s. 20,
subs. 2,
amended. 3.—(1) Subsection 2 of section 20 of *The Fire Marshals Act* is amended by inserting after the words "property therein" in the sixth line the words "or that exits from the building or buildings are inadequate or improperly used," and by adding thereto the following clause:

(c) the installation of such safeguards by way of additional fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire;

so that the subsection will now read as follows:

Orders on
inspection. (2) If, upon such inspection, it is found that a building or other structure is for want of proper repair or by reason of age and dilapidated condition or any other cause especially liable to fire, or is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein or that exits from the building or buildings are inadequate or improperly used, or that there are in or upon the buildings or premises combustible or explosive materials or conditions dangerous to the

EXPLANATORY NOTES

Section 2. The only recourse there now is for default in paying the tax on claims on unlicensed insurance companies is by civil action and it is deemed necessary that the default be made subject to the penalty prescribed by section 16 of the Act.

Section 3.—(1) The proposed amendment gives the inspector authority to inspect exits from buildings and to order the installation of such further safeguards by way of additional fire escapes and exit doors as he may consider necessary.

safety of such buildings or premises or to adjoining property, the officer making such inspection may order,—

- (a) the removal of such buildings or the making of such structural repairs or alterations therein;
- (b) the removal of such combustible or explosive material or the removal of anything that may constitute a fire menace;
- (c) the installation of such safeguards by way of additional fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire.

Rev. Stat., c. 295, s. 20, amended. (2) The said section 20 is amended by adding thereto the following subsections:

Security for cost of appeals.

- (4a) The party so appealing shall with the originating notice deposit the sum of \$100 as security for the costs of the appeal to be borne by the appellant.

Appeal if not prosecuted may be dismissed within thirty days upon request of Fire Marshal.

- (4b) If the appeal to the county or district judge is not prosecuted by the appellant within sixty days from the filing of the originating notice, the county or district judge may dismiss the appeal at the request of the Fire Marshal and may order forfeited the whole or part of the deposit, in which event the sum forfeited shall be remitted to the Treasurer of Ontario.

Rev. Stat., c. 295, s. 20, subs. 7, cl. b (1929, c. 76, s. 4), amended. (3) The second clause lettered *b* in subsection 7 of the said section 20 as enacted by section 4 of *The Fire Marshals Act, 1929*, is further amended by striking out the words "city, separated town or county" in the second line and inserting in lieu thereof the word "municipality," so that the clause will now read as follows:

- (b) The Fire Marshal shall certify to the treasurer of the municipality within which the building, premises, or structure is situate, the expenses actually and necessarily incurred, and such treasurer shall forthwith pay the amount so certified to the Treasurer of Ontario, and the same may be entered upon the collector's roll against the land or premises in relation to which action was so taken and shall constitute a lien thereon and be levied and collected as taxes against such land or premises.

(2) There have been a number of very trivial appeals made to the county and district judges which have not been prosecuted for months or even years. The proposed amendment will limit the appeals to the county judge and provide for expeditious hearing.

(3) This amendment provides that accounts should go to the treasurer of the municipality and not to the treasurer of the county to whom under the present wording of the Act they have to be sent.

Rev. Stat.,
c. 295,
amended.

4. *The Fire Marshals Act* is amended by adding thereto the following section:

Power to
pass regula-
tions regard-
ing dry
cleaning
establish-
ments, etc.

20a. Without regard to any of the provisions of this Act and in addition to any of the powers herein granted, the Lieutenant-Governor in Council may make such regulations as may be deemed necessary for preventing or regulating the establishment or operation of dry cleaning, dry dyeing or any other like establishment in which any articles are dyed or cleaned by any process in which carbon bisulphide, gasoline, naphtha, benzine, benzol or other like petroleum or coal tar products is employed, and any other business or occupation calculated to seriously increase the fire hazard or to cause explosion in any locality, and may impose penalties for the breach of any such regulation.

Rev. Stat.,
c. 295,
amended.

5. *The Fire Marshals Act* is amended by adding thereto the following section:

Fire
Marshal
may adopt
rules for
prevention
of fire.

22.—(1) Subject to the regulations the Fire Marshal shall from time to time as may be found necessary for the prevention of fire and for safeguarding human life from the danger of fire, adopt rules and regulations for the use, storage and handling of explosives and volatile compounds including crude and refined illuminating and fuel oil and all the devices and apparatus employed in utilizing the same, provided however that such rules and regulations shall not be effective until approved by the Lieutenant-Governor in Council.

Municipal
by-law to
take
precedence.

(2) Where a municipality has passed a by-law under the authority of paragraphs 17 to 25 of section 397 of *The Municipal Act* regulating the keeping and manufacturing of explosives, the requirements of such by-law, if more exacting than those approved by the Lieutenant-Governor in Council under this section, shall govern and apply to properties within the boundaries of such municipality.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 4. Explosive materials are used in large quantities in dry cleaning and dry dyeing establishments and the possession of such materials is dangerous unless every precaution is taken in their handling.

The object of the amendment is to safeguard the lives of people employed not only in such plants but in the surrounding neighbourhood as well as to decrease the danger of fire hazard.

Section 5. This is a new section and gives the Fire Marshal power to adopt rules, subject to the regulations, for the prevention of fire in connection with the use of explosives and volatile compounds.

Subsection 2 gives precedence to the by-law of a municipality if more exacting than the rules approved by the Lieutenant-Governor under this section.

BILL

An Act to amend The Fire Marshals Act.

1st Reading

March 4th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 104

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Fire Marshals Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 104

1931

BILL

An Act to amend The Fire Marshals Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Fire Marshals Act, 1931*.

Rev. Stat.,
c. 295, s. 12,
subs. 2,
amended. 2. Subsection 2 of section 12 of *The Fire Marshals Act* is amended by adding thereto the following clause:

Penalty. (b) Every person who contravenes the provisions of this section shall be guilty of an offence against this Act and shall be liable to the penalty prescribed by section 16.

Rev. Stat.,
c. 295, s. 20,
subs. 2,
amended. 3.—(1) Subsection 2 of section 20 of *The Fire Marshals Act* is amended by inserting after the words "property therein" in the sixth line the words "or that exits from the building or buildings are inadequate or improperly used," and by adding thereto the following clause:

(c) the installation of such safeguards by way of additional fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire;

so that the subsection will now read as follows:

Orders on
inspection. (2) If, upon such inspection, it is found that a building or other structure is for want of proper repair or by reason of age and dilapidated condition or any other cause especially liable to fire, or is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein or that exits from the building or buildings are inadequate or improperly used, or that there are in or upon the buildings or premises combustible or explosive materials or conditions dangerous to the

safety of such buildings or premises or to adjoining property, the officer making such inspection may order,—

- (a) the removal of such buildings or the making of such structural repairs or alterations therein;
- (b) the removal of such combustible or explosive material or the removal of anything that may constitute a fire menace;
- (c) the installation of such safeguards by way of additional fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire.

(2) The said section 20 is amended by adding thereto the following subsection: Rev. Stat.,
c. 295, s. 20,
amended.

- (4a) If the appeal to the county or district judge is not prosecuted by the appellant within sixty days from the filing of the originating notice, the county or district judge may dismiss the appeal at the request of the Fire Marshal. Appeal if not
prosecuted
may be
dismissed
within thirty
days upon
request of
Fire
Marshal.

(3) The second clause lettered *b* in subsection 7 of the said section 20 as enacted by section 4 of *The Fire Marshals Act*, 1929, is further amended by striking out the words "city, separated town or county" in the second line and inserting in lieu thereof the word "municipality," so that the clause will now read as follows: Rev. Stat.,
c. 295, s. 20,
subs. 7,
cl. *b* (1929,
c. 76, s. 4),
amended.

- (b) The Fire Marshal shall certify to the treasurer of the municipality within which the building, premises, or structure is situate, the expenses actually and necessarily incurred, and such treasurer shall forthwith pay the amount so certified to the Treasurer of Ontario, and the same may be entered upon the collector's roll against the land or premises in relation to which action was so taken and shall constitute a lien thereon and be levied and collected as taxes against such land or premises.

4. *The Fire Marshals Act* is amended by adding thereto the following section: Rev. Stat.,
c. 295,
amended.

- 20a. Without regard to any of the provisions of this Act and in addition to any of the powers herein granted, the Lieutenant-Governor in Council may make such Power to
pass regula-
tions regard-
ing dry
cleaning
establish-
ments, etc.

regulations as may be deemed necessary for preventing or regulating the establishment or operation of dry cleaning, dry dyeing or any other like establishment in which any articles are dyed or cleaned by any process in which carbon bisulphide, gasoline, naphtha, benzine, benzol or other like petroleum or coal tar products is employed, and any other business or occupation calculated to seriously increase the fire hazard or to cause explosion in any locality, and may impose penalties for the breach of any such regulation.

Rev. Stat.,
c. 295,
amended.

5. *The Fire Marshals Act* is amended by adding thereto the following section:

Fire
Marshal
may adopt
rules for
prevention
of fire.

22.—(1) Subject to the regulations the Fire Marshal shall from time to time as may be found necessary for the prevention of fire and for safeguarding human life from the danger of fire, adopt rules and regulations for the use, storage and handling of explosives and volatile compounds including crude and refined illuminating and fuel oil and all the devices and apparatus employed in utilizing the same, provided however that such rules and regulations shall not be effective until approved by the Lieutenant-Governor in Council.

Municipal
by-law to
take
precedence.

(2) Where a municipality has passed a by-law under the authority of paragraphs 17 to 25 of section 397 of *The Municipal Act* regulating the keeping and manufacturing of explosives, the requirements of such by-law, if more exacting than those approved by the Lieutenant-Governor in Council under this section, shall govern and apply to properties within the boundaries of such municipality.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Fire Marshals Act.

1st Reading

March 4th, 1931

2nd Reading

March 6th, 1931

3rd Reading

March 25th, 1931

Mr. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. HIPEL

No. 105

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 223, s. 165,
amended.

1. Section 165 of *The Municipal Act* is amended by adding thereto the following subsection:

Filling
vacancy
in office for
term of
more than
one year.

- (7) Where aldermen in a city are elected by general vote and for a longer period than one year the candidate or person entitled or elected under this section to fill a vacancy shall hold office until the next election for aldermen and until his successor is elected; and at such next election if the original term of office in which the vacancy has occurred does not then expire, the said vacancy shall be filled by the election of an alderman who shall hold office for the residue of the original term of office in which the said vacancy occurred.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

Present section 165 contemplates that a person filling a vacancy in the office of alderman will finish out the term of office of the person who caused the vacancy.

The amendment is to provide that where aldermen are elected for a two-year term the person filling the vacancy shall sit only until the next annual election when some person is to be elected to finish out the balance, if any, of the term of office in which the vacancy occurred.

BILL

An Act to amend The Municipal Act.

1st Reading

March 5th, 1931

2nd Reading

3rd Reading

MR. HPEL

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Vital Statistics Act.

MR. MACAULAY

No. 106

1931

BILL

An Act to amend The Vital Statistics Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Vital Statistics Act, 1931*.

Rev. Stat.,
c. 78,
amended. **2.** *The Vital Statistics Act* is amended by adding thereto the following section:

INFORMATION AS TO DIVORCES

Information
as to
divorces.

29a.—(1) The senior registrar of the Supreme Court at Toronto and every local registrar of the Supreme Court shall furnish the Registrar-General with such information as he may require in connection with the granting of divorces throughout the Province and the Registrar-General may prepare forms of return which shall include the names, occupations and addresses of the parties and such other particulars as he may deem necessary.

Fees. (2) Every such officer shall, for the particulars as to each divorce, receive a fee of \$2, and such fee shall be payable from time to time by the Treasurer of Ontario on the certificate of the Registrar-General.

Commence-
ment of Act. **3.** This Act shall come into force on the 1st day of June, 1931.

EXPLANATORY NOTE

As divorces can now be granted in any county or district in Ontario, it becomes necessary to have some information regarding them available at headquarters in Toronto.

BILL

An Act to amend The Vital Statistics Act.

1st Reading

March 5th, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 106

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Vital Statistics Act.

MR. MACAULAY

No. 106

1931

BILL

An Act to amend The Vital Statistics Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Vital Statistics Act, 1931*.

Rev. Stat.,
c. 78,
amended. **2.** *The Vital Statistics Act* is amended by adding thereto the following section:

INFORMATION AS TO DIVORCES

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Fees. (2) Every such officer shall, for the particulars as to each divorce, receive a fee of \$2, and such fee shall be payable from time to time by the Treasurer of Ontario on the certificate of the Registrar-General.

Commence-
ment of Act. **3.** This Act shall come into force on the 1st day of June, 1931.

BILL

An Act to amend The Vital Statistics Act.

1st Reading

March 5th, 1931

2nd Reading

March 9th, 1931

3rd Reading

March 18th, 1931

MR. MACAULAY

No. 107

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. MCBRIEN

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 107

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat.,
c. 233, s. 108,
subs. 1,
amended.

1. Subsection 1 of section 108 of *The Municipal Act* is amended by inserting after the words "poll clerk" in the second line the words "special constable."

Rev. Stat.,
c. 233, s. 126,
subs. 1,
repealed.

2. Subsection 1 of section 126 of *The Municipal Act* is repealed and the following substituted therefor:

Procedure on
counting
ballot papers
and votes
and placing
ballot papers
into packets.

(1) All the ballot papers except those rejected shall be counted, and an account shall be kept of the number of votes given and allowed for each candidate, and all the ballot papers shall be put into separate packets as follows,—

- (a) all the used ballot papers which have not been objected to and have been counted;
- (b) all the used ballot papers which have been objected to, but which have been counted;
- (c) all the rejected ballot papers;
- (d) all the cancelled ballot papers;
- (e) all the ballot papers used but unmarked;
- (f) all the declined ballot papers;
- (g) all the unused ballot papers.

Rev. Stat.,
c. 233, s. 127,
subs. 1,
amended.

3. Subsection 1 of section 127 of *The Municipal Act* is amended by adding thereto the following clause:

(ff) The ballot papers used but unmarked;

Rev. Stat.,
c. 233, s. 137,
repealed.

4. Section 137 of *The Municipal Act* is repealed and the following substituted therefor:

Application
for recount
or re-
addition.

137.—(1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, or has improperly added up the votes and if within that time the applicant shall have given security for the costs in connection with the recount or final addition of the candidate declared elected of such nature and in such amount as may be fixed by the judge; or if at any time within four weeks after such declaration in a city having a population of not less than 100,000, the council has by resolution declared that a recount or readdition is desirable in the public interest, the judge shall appoint a time and place to recount or readd the votes cast at the election.

Deputy
judges in
wards of
cities of
100,000
population
or over.

(2) In all cases of a recount or readdition of the ballots cast for candidates elected by general vote in a city having a population of not less than 100,000, the judge may order that the recount or readdition shall be conducted separately in each ward of such city and for that purpose may appoint for any ward as his deputy, another judge or a barrister of at least ten years' standing at the bar of Ontario to recount or readd the votes cast at the election in such ward and a time and place for such recount or readdition to be held, and every such deputy shall for all the purposes of the recount or readdition and in respect to the ward for which he is appointed, have the powers and perform the duties of the judge as hereinafter in this section set out.

Notice of
time and
place for
recount or
readdition.

(3) At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk or an assistant clerk appointed for the purpose shall attend the recount or readdition with the ballot boxes and all documents relating to the election.

Who may
attend.

(4) The judge, the clerk, the assistant clerk, and each candidate and his agent appointed to attend the

recount or readdition, but no other person except with the sanction of the judge, shall be entitled to be present at the recount.

Which
ballots to be
readded or
recounted.

- (5) The recount shall be of the ballots cast respectively for the candidate declared elected when one only is to be elected and in other cases of the candidate who received the lowest number of votes of those declared elected by the clerk and for the defeated candidate who received the highest number of votes for the same office unless any other candidate in writing requires the ballots cast for him to be recounted or readded.

Making
readdition or
recount.

- (6) At the time and place appointed, and in the presence of such of the persons entitled to be present as may attend, the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the ballot papers received by the clerk from the several deputy returning officers and the number of votes counted at the election and shall for the purpose of the recount open the sealed packets containing the used ballot papers which were not objected to and were counted, the ballot papers which were objected to but which were counted, the rejected ballot papers, the cancelled ballot papers, the ballot papers which were used but were unmarked, the declined ballot papers and the unused ballot papers.

Proceedings
to be con-
tinuous.

- (7) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and during the excluded time the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seal of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of them.

Procedure
as at close
of poll.

- (8) Subject to subsection 9, the judge shall proceed according to the provisions for the counting of the ballot papers and the vote at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Evidence
may be
taken.

- (9) If for any reason it appears desirable to do so, the judge upon the application of any party to the proceeding may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers and of the votes and for the taking of such evidence and compelling the attendance of witnesses the judge shall have all the powers of a judge of the county court.

Judge's
certificate
of result.

- (10) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate packets and upon the completion of a readdition he shall seal up the original statements in their respective packets, and shall forthwith certify the result of the recount or readdition to the clerk.

Clerk's
declaration
of result.

- (11) Upon the result of the recount or readdition being certified to him the clerk shall declare elected the candidate so certified as having the highest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 134 if it is different from such prior declaration.

Other
remedies not
affected.

- (12) Nothing in this section shall affect any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise.

Rev. Stat.,
c. 233, s. 138,
subs. 2,
repealed.

5. Subsection 2 of section 138 of *The Municipal Act* is repealed and the following substituted therefor:

Amount
or scale of
costs.

- (2) The judge may in his discretion award costs of the recount or readdition to or against any candidate and may fix the amount of same or order that they be taxed by the clerk of the district or county court on a scale following as nearly as may be the tariff of costs of the county court.

New form 3
substituted.

6. Form 3 of *The Municipal Act* is repealed and the following substituted therefor:

FORM 3

BALLOT PAPER FOR CITIES AND TOWNS

Form for Mayor

CITY OF TORONTO
Municipal Elections
JAN. 1st, 193
Ward No. ■
Polling Subdivision No. ■
FOR MAYOR

ALLAN

Charles Allan,
 of King Street,
 in the City of Toronto,
 Merchant.

BROWN

William Brown,
 of the City of Toronto,
 Banker.

Form for Reeve and Deputy Reeve in Towns

TOWN OF TRENTON
Municipal Elections Jan. 1st, 193
Ward No. ■ Polling Subdivision No. ■
FOR DEPUTY REEVE

CLITHEROE

Albert Clitheroe,
 of the Town of Trenton,
 Baker.

HUGHES

David Hughes,
 of the Town of Trenton,
 Tinsmith.

FARQUHARSON

Robin Farquharson,
 of the Town of Trenton,
 Builder.

MACPHERSON

Roderick MacPherson,
 of the Town of Trenton,
 Printer.

Form for Aldermen or Councillors

CITY OF TORONTO
Municipal Elections Jan. 1st, 193 ☐
Ward No. ☐ **Polling Subdivision No.** ☐
FOR ALDERMAN (or)
Councillor

ARGO

James Argo,
 of the City of Toronto,
 Gentleman.

BAKER

Samuel Baker,
 of the City of Toronto,
 Baker.

DUNCAN

Robert Duncan,
 of the City of Toronto,
 Printer.

ROBINSON

Archibald Robinson,
 of the City of Toronto,
 Butcher.

(NOTE.—In the case of cities and towns where the Aldermen or Councillors are elected by general vote the form above given is to be adopted to suit the case).

BILL

An Act to amend The Municipal Act.

1st Reading

March 6th, 1931

2nd Reading

3rd Reading

MR. MCBRIEN

No. 108

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Dentistry Act.

MR. ROBB

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Dentistry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Dentistry Act, 1931*.

Rev. Stat.
c. 198, s. 3,
subs. 2
amended.

2. Subsection 2 of section 3 of *The Dentistry Act* is amended by striking out all the words after the words "Minister of Education" in the third line and inserting in lieu thereof the words "and the Minister of Health for the Province of Ontario who shall be *ex officio* members of the Board," so that the subsection will now read as follows:

Number of
members of
Board.

(2) The Board shall consist of nine elected members each of whom shall be a member of the College and shall hold office for two years and the Minister of Education and the Minister of Health for the Province of Ontario who shall be *ex officio* members of the Board.

Rev. Stat.
c. 198, s. 20,
subs. 3,
amended.

3. Subsection 3 of section 20 of *The Dentistry Act* is amended by adding at the end thereof the words "as may be prescribed by by-law of the Board and recoverable in the same manner as the annual fee as set out in subsection 1," so that the subsection will now read as follows:

Default in
payment of
fee.

(3) Where default is made in payment of the annual fee and such default continues for a period of one month the license of a member so in default shall lapse but such license may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$10 as may be prescribed by by-law of the Board and recoverable in the same manner as the annual fee as set out in subsection 1

Rev. Stat.
c. 198, s. 21,
subs. 1,
amended.

4.—(1) Subsection 1 of section 21 of *The Dentistry Act* is amended by striking out after the word "person" in the fourth

EXPLANATORY NOTES

Section 2. This amendment makes the Minister of Health an *ex officio* member of the Board of Directors of the Dental College in addition to the Minister of Education.

Section 3. At present the penalty prescribed is indefinite and the dentist whose license has lapsed might pay any amount up to \$10 for renewal. This amendment gives the Board power to fix and recover the fee.

Section 4.—(1). In many cases it is difficult to obtain evidence that any reward has been given. For the protection of the public no one should practise unless he is properly qualified.

line, the words "for hire, gain or hope of reward, whether by way of fees, salary, rent, percentage of receipts, or in any other form," so that the subsection will now read as follows:

Prohibition
against
practising
without
certificates.

- (1) No person who is not a member of the College shall, by himself or by any other person, practise the profession of dental surgery, or perform any dental operation upon or prescribe any dental treatment for any person, or shall pretend to hold or take or use any name, title, addition, or description implying that he holds a certificate of license to practise dental surgery, or that he is a member of the College, or shall falsely represent or use any title representing that he is a graduate of any dental college or any title or description whatsoever which implies that he practises dentistry or any branch of dentistry or which contains the words "dentist," "dentistry," "dental," or any derivative of any such word or any letters, signs or abbreviation having the like significance.

Or using
designation.

Rev. Stat.
c. 198, s. 21,
subs. 2,
amended.

- (2) Subsection 2 of the said section 21 is amended by inserting after the word "dentistry" in the third line the words "or give instructions or courses in practise management without the consent of the Board," so that the subsection will now read as follows:

Prohibition
as to persons
other than
College
establishing
college, etc.

- (2) No person, other than the College, shall carry on in Ontario any school, college, laboratory, or other institution for training or imparting instruction in any branch of dentistry or give instructions or courses in practise management without the consent of the Board, but this shall not apply to any faculty of dentistry in a university in Ontario.

Rev. Stat.
c. 198, s. 21,
subs. 3,
repealed.

- (3) Subsection 3 of the said section 21 is repealed and the following substituted therefor:

Penalties.

- (3) Every person who contravenes any of the provisions of this section shall for the first offence incur a penalty of \$100, for the second offence a penalty of \$200, and for every subsequent offence a penalty of \$500, and he shall not be entitled to sue or recover in any court for any services which he performed or materials which he provided in the ordinary and customary work of a dental surgeon.

Rev. Stat.
c. 198, s. 23,
subs. 1,
amended.

5. Subsection 1 of section 23 of *The Dentistry Act* is amended by inserting after the word "respect" in the sixth line the words "and such infamous, disgraceful or improper

(2). Laymen have been giving instructions in different branches of dentistry including that of practice management which increases the fees charged. The amendment would bring this under the control of the Board.

(3). This amendment increases the penalty from \$50 for the first offence to \$100—from \$100 for the second offence to \$200 and from \$100 for each subsequent offence to \$500. The present penalty is not sufficient to deter unqualified men from practising.

Section 5. The Board, by the amendment, will have the power to investigate cases of overcharging and may suspend or cancel the certificate or license of a member who has been guilty of that offence.

conduct in a professional respect shall be deemed to include fraudulent and exorbitant charging of fees," so that the subsection will now read as follows:

Power of Board to suspend or cancel certificates.

- (1) The Board may suspend or cancel the certificate of license of a member of the College who has been heretofore or shall hereafter be convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been or shall be guilty of any infamous, disgraceful or improper conduct in a professional respect, and such infamous, disgraceful or improper conduct in a professional respect shall be deemed to include fraudulent and exorbitant charging of fees; but this power shall not be exercised if the conviction is for a political offence committed out of His Majesty's Dominions, or for an offence which, though indictable ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Dentistry Act.

1st Reading

March 6th, 1931

2nd Reading

3rd Reading

MR. ROBB

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Dentistry Act.

MR. ROBB

BILL

An Act to amend The Dentistry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Dentistry Act, 1931*.

Rev. Stat.
c. 198, s. 3,
subs. 2
amended. **2.** Subsection 2 of section 3 of *The Dentistry Act* is amended by striking out all the words after the words "Minister of Education" in the third line and inserting in lieu thereof the words "and the Minister of Health for the Province of Ontario who shall be *ex officio* members of the Board," so that the subsection will now read as follows:

Number of
members of
Board. (2) The Board shall consist of nine elected members each of whom shall be a member of the College and shall hold office for two years and the Minister of Education and the Minister of Health for the Province of Ontario who shall be *ex officio* members of the Board.

Rev. Stat.
c. 198, s. 20,
subs. 3,
amended. **3.** Subsection 3 of section 20 of *The Dentistry Act* is amended by adding at the end thereof the words "as may be prescribed by by-law of the Board and recoverable in the same manner as the annual fee as set out in subsection 1," so that the subsection will now read as follows:

Default in
payment of
fee. (3) Where default is made in payment of the annual fee and such default continues for a period of one month the license of a member so in default shall lapse but such license may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$10 as may be prescribed by by-law of the Board and recoverable in the same manner as the annual fee as set out in subsection 1

Rev. Stat.
c. 198, s. 21,
subs. 1,
amended. **4.—(1)** Subsection 1 of section 21 of *The Dentistry Act* is amended by striking out after the word "person" in the fourth

line, the words "for hire, gain or hope of reward, whether by way of fees, salary, rent, percentage of receipts, or in any other form," so that the subsection will now read as follows:

- (1) No person who is not a member of the College shall, by himself or by any other person, practise the profession of dental surgery, or perform any dental operation upon or prescribe any dental treatment for any person, or shall pretend to hold or take or use any name, title, addition, or description implying that he holds a certificate of license to practise dental surgery, or that he is a member of the College, or shall falsely represent or use any title representing that he is a graduate of any dental college or any title or description whatsoever which implies that he practises dentistry or any branch of dentistry or which contains the words "dentist," "dentistry," "dental," or any derivative of any such word or any letters, signs or abbreviation having the like significance.
- Prohibition against practising without certificates.
Or using designation.

(2) Subsection 2 of the said section 21 is amended by inserting after the word "dentistry" in the third line the words "or give instructions or courses in practise management without the consent of the Board," so that the subsection will now read as follows:

Rev. Stat. c. 198, s. 21, subs. 2, amended.

- (2) No person, other than the College, shall carry on in Ontario any school, college, laboratory, or other institution for training or imparting instruction in any branch of dentistry or give instructions or courses in practise management without the consent of the Board, but this shall not apply to any faculty of dentistry in a university in Ontario.
- Prohibition as to persons other than College establishing college, etc.

(3) Subsection 3 of the said section 21 is repealed and the following substituted therefor:

Rev. Stat. c. 198, s. 21, subs. 3, repealed.

- (3) Every person who contravenes any of the provisions of this section shall for the first offence incur a penalty of \$100, for the second offence a penalty of \$200, and for every subsequent offence a penalty of \$500, and he shall not be entitled to sue or recover in any court for any services which he performed or materials which he provided in the ordinary and customary work of a dental surgeon.
- Penalties.

5. Subsection 1 of section 23 of *The Dentistry Act* is amended by inserting after the word "respect" in the sixth line the words "and such infamous, disgraceful or improper

Rev. Stat. c. 198, s. 23, subs. 1, amended.

conduct in a professional respect shall be deemed to include fraudulent and exorbitant charging of fees," so that the subsection will now read as follows:

Power of Board to suspend or cancel certificates.

- (1) The Board may suspend or cancel the certificate of license of a member of the College who has been heretofore or shall hereafter be convicted in Canada or elsewhere of an indictable offence if his conviction remains unreversed, or who has been or shall be guilty of any infamous, disgraceful or improper conduct in a professional respect, and such infamous, disgraceful or improper conduct in a professional respect shall be deemed to include fraudulent and exorbitant charging of fees; but this power shall not be exercised if the conviction is for a political offence committed out of His Majesty's Dominions, or for an offence which, though indictable ought not, either from its nature or from the circumstances under which it was committed, to disqualify the person convicted from practising dentistry.

Commencement of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Dentistry Act.

1st Reading

March 6th, 1931

2nd Reading

March 9th, 1931

3rd Reading

March 23rd, 1931

MR. ROBB

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Insurance Act.

MR. MURPHY (St. Patrick)

No. 109

1931

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Insurance Act, 1931*.

Rev. Stat.
c. 222, s. 259,
subs. 1,
amended. 2.—(1) Subsection 1 of section 259 of *The Insurance Act* as amended by section 14 of *The Insurance Act, 1928*, is further amended by striking out the word "fire" in the fourth line and by inserting after the word "property" in the fifth line, the words "or other interests" so that the subsection will now read as follows:

Special
insurance
broker. (1) The Superintendent may, upon the payment of the prescribed fee, issue to any suitable person resident in Ontario, a license to act as a special insurance broker to negotiate, continue or renew contracts of insurance on property, or other interests, in Ontario in insurers not authorized to transact such business in Ontario.

Rev. Stat.
c. 222, s. 259,
subs. 6,
amended. (2) Subsection 6 of the said section 259 is amended by striking out the word "sufficient" in the first line and by inserting the words "or other interests" after the word "property" in the first, eighth and sixteenth lines, so that the subsection will now read as follows:

When special
broker may
place
insurance
with
unlicensed
insurer. (6) Where insurance on property or other interests in Ontario cannot be obtained at reasonable rates or on the form of contract required by the insured from insurers licensed to do business in Ontario, the person named in such license may effect insurance with unlicensed insurers, but shall in the case of every insurance effected under this section obtain from the insured a signed and dated statement describing the property or other interests insured, its location and the amount of insurance required

EXPLANATORY NOTE

The purpose of the Bill is to extend the powers of insurance brokers licensed to place contracts of insurance with unlicensed companies, presently limited to contracts of fire insurance, to include contracts of insurance generally.

and stating that the insurance cannot be obtained in licensed companies and that the application for such insurance at the stated rate of premium was previously made to and refused by named companies licensed in Ontario. The person named in such license shall, within ten days after the placing of such insurance with unlicensed insurers, submit to the Superintendent a statement setting forth the name of the insured the property or other interest insured and its location, the full names of the unlicensed insurers, and the amount of insurance placed with each and the rate and amount of premium paid to each.

Rev. Stat.
c. 222, s. 259,
amended

(3) The said section 259 is amended by adding thereto the following subsection:

Authority of
Superin-
tendent to
order can-
cellation.

(8a) The Superintendent may direct the person named in such license to cancel any insurance effected under the authority of this section, where, in his opinion, it could have been obtained from licensed insurers at reasonable rates and upon a form of contract reasonably satisfactory to the insured.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Insurance Act.

1st Reading

March 6th, 1931

2nd Reading

3rd Reading

MR. MURPHY (St. Patrick)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Line Fences Act.

MR. ELLIOTT (Bruce, North)

No. 110

1931

BILL

An Act to amend The Line Fences Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 315,
s. 2,
amended.

1. Section 2 of *The Line Fences Act* is amended by adding thereto the following subsection:

Unopened
road
allowance.

- (3) Where there is an unopened road allowance lying between occupied lands and not enclosed by a lawful fence, it shall be the duty of the fence viewers, when called upon, to divide such road allowance equally between the owners of such occupied lands, and to require each owner to make, keep up and maintain a just proportion of fence to mark the division line, but nothing in this section shall in any way affect or interfere with the rights of the municipality in such road allowance or be deemed to confer any title therein upon such owners or either of them.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The object of the Bill is to enable adjacent owners whose properties are divided by an unopened road allowance to have the road allowance divided between them by a line fence, but without thereby interfering with municipal rights in the road allowance or conferring title upon the owners.

The amendment will overcome the difficulties which at present exist when properties are separated by an unopened road allowance with respect to the erection of a line fence between such properties.

BILL

An Act to amend The Line Fences Act.

1st Reading

March 9th, 1931

2nd Reading

3rd Reading

MR. ELLIOT (Bruce, North)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

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Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Line Fences Act.

1st Reading

March 9th, 1931

2nd Reading

March 13th, 1931

3rd Reading

March 23rd, 1931

MR. ELLIOTT (Bruce, North)

No. 111

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to provide for giving Threshers a Lien in Certain Cases.

MR. SMITH (Essex, South)

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 111

1931

BILL

An Act to provide for giving Threshers a Lien in Certain Cases.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Threshers' Lien Act, 1931*.

Interpretation.

2. In this Act, unless the context otherwise requires,—

"Grain."

(a) "Grain" shall mean and include vegetable products from the soil which require threshing or other machine process to make the same useable or marketable;

"Machine."

(b) "Machine" shall mean and include a threshing machine, a harvest thresher, a separator, a combination thresher, or any machine or instrument used for threshing grain or for cutting and threshing grain;

"Minister."

(c) "Minister" shall mean Minister of Agriculture;

"Owner."

(d) "Owner" shall mean the owner or occupant of the premises where the threshing is being done or any person who has any right of ownership or title to the grain threshed;

"Thresher."

(e) "Thresher" shall mean and include any person owning and operating any machine and who threshes, or cuts and threshes, or causes to be cut or threshed, grain of any kind and who has registered in accordance with the provisions of this Act;

"Threshing."

(f) "Threshing" shall mean and include the operation of any machine for threshing, or cutting and threshing, grain of any kind.

Registration.

3.—(1) No person shall in any year operate or cause to be operated any machine until a certificate of registration has

EXPLANATORY NOTES

Section 2. Interpretation section.

Section 3.—(1), (2) A certificate must be obtained before a machine can be operated and such certificate must be exposed to view on the machine.

been obtained from the Minister, such certificate to be valid for one year only and the fee to be paid for the same to be \$1.

Certificate to be exposed to view.

(2) The certificate shall at all times be exposed to view upon the machine.

Notice of transfer to be made.

(3) Whenever there is a transfer of ownership in a machine notice shall be forwarded to the Minister within thirty days of such sale or transfer and no machine so transferred shall be operated in any year until a transfer certificate has been obtained from the Minister for which there shall be a fee of fifty cents.

Thresher to have lien.

4. Every person being the owner or operator of a machine as defined by this Act, who threshes grain for another person for a fixed price or rate of remuneration, shall from the date of the commencement of the threshing have a lien upon such grain for the purpose of securing payment of the price or remuneration.

Rights of lien holder.

5. A lien holder may, after having given written notice to the owner of the grain of his intention so to do, take a sufficient quantity of such grain to secure payment of the said price or remuneration, or of such part or portion thereof as is earned at the time of taking, unless the owner in the meantime pays the price or remuneration or the part or portion thereof earned at the time of the giving of the notice.

Value of grain.

6. The quantity of grain which may be retained shall be a sufficient quantity, when computed at the market value thereof at the nearest market place, to pay, when sold, for the threshing together with the cost of transportation, storage and sale.

Notice to be given.

7. Notice, in writing, of the retention of the grain shall be given to the owner during the threshing or upon the completion of the threshing, setting forth in detail,—

(a) the claim of the thresher;

(b) the quantity of grain retained;

and the grain so retained shall be separated from the bulk of the threshed grain and may be removed from the premises at any time within thirty days from the completion of such threshing.

When grain may be sold.

8.—(1) A thresher who exercises such right of retention and removal may house the grain so taken and removed, and if at the expiration of fifteen days from the time such right

(3) This provides that all transfers of ownership must be recorded.

Section 4. This gives the thresher a lien on the grain threshed.

Section 5. The lien holder must give notice in writing to the owner of the grain before taking such grain in payment for his work.

Section 6. The value of the grain is to be computed at the price offered at the nearest market place and a sufficient quantity of grain is to be taken to pay for threshing, transportation, storage and sale.

Section 7. The notice of the retention of the grain must set out in detail the thresher's claim and the quantity of grain retained which must be removed within thirty days from the completion of the threshing.

Section 8. If the thresher has held the grain for fifteen days and has not been paid for the threshing, together with the cost of transportation and storage, he may sell the grain at a fair market price and after deducting his expenses the residue, if any, shall be paid to the owner.

of retention and removal is exercised, the price or remuneration for which the grain is held be not paid, together with the cost of transportation and storage, may sell the said grain at the fair market price.

Proceeds
of sale.

(2) The proceeds of the sale shall be applied, first in payment of the threshing, transportation, storage and cost of sale and the residue, if any, shall be paid to the owner of the grain or his assigns.

Thresher
to be
accountable.

9. The thresher shall be accountable for any grain removed and any damage or deterioration during such period.

When grain
left on
premises.

10.—(1) The thresher, instead of removing the grain taken to satisfy the lien, may place the same in bags or other receptacles and leave the same upon the premises until such time as he makes sale thereof as provided by this Act.

Lien to
attach.

(2) During the time the grain remains on the premises the lien shall attach for a period of thirty days except where such grain has been sold to a *bona fide* purchaser for value without knowledge that such grain is subject to the lien provided by this Act, in which case the lien shall become a first charge upon so much of the purchase price as may remain unpaid when notice of the lien is given to the purchaser.

To be sold
within
thirty days.

11. The grain retained under the provisions of this Act shall be sold within thirty days after the right of retention is exercised unless the owner thereof consents in writing to the same being unsold for a longer period.

Priority of
lien.

12. Such lien shall have priority over all writs of execution against the owner of the grain, all chattel mortgages, bills of sale or conveyances made by him, and over all rights of distress for rent reserved upon the land upon which the grain is grown, and the thresher shall be deemed a purchaser for value of the grain which he takes by virtue of this Act, but nothing in this Act shall give priority over any mortgages, bills of sale, lien charges, encumbrances, conveyances, transfers or assignments made, executed or created as a security for the purchase price and interest thereon of seed grain.

Disputes,—
how
settled.

13.—(1) Should any dispute arise between the owner and the thresher as to the right of the thresher to seize or remove any grain the owner shall during the threshing, or within forty-eight hours after the threshing is completed, or the grain set aside or removed in accordance with the provisions of this Act, serve the thresher with notice that his right to seize and set aside or remove the said grain is disputed, and such dispute shall be heard and determined in a summary

Section 9. The thresher is to be accountable for any damage or deterioration to the grain.

Section 10.—(1) This provides that the thresher, instead of removing the grain, may leave it upon the premises in bags or other receptacles until such time as the sale is completed.

(2) Where the grain remains on the premises the lien is to attach for thirty days. If however the grain has been sold to a *bona fide* purchaser for value without knowledge of the lien, the lien shall only attach upon so much of the purchase price as remains unpaid when the purchaser receives notice of the lien.

Section 11. The grain retained shall be sold within thirty days after the right of retention is exercised unless the owner consents in writing to the same remaining unsold for a longer period.

Section 12. This provides for the priority of the rights of the lien holder over the claims set out in the section with the exception of those claiming under any instrument given as security for the purchase price, and interest thereon, of seed grain.

Section 13.—(1) If the owner disputes the thresher's right to a lien he shall serve notice during the threshing or within forty-eight hours after the completion of the threshing that he disputes such lien and the dispute shall be heard and determined by a judge of the county or district court upon application to him by the owner and upon notice to the thresher made within four days after service of the dispute notice.

way by the judge of the county or district court of the county or district in which such grain is being threshed upon application to him by the owner and upon notice to the thresher made within four days after service of the dispute notice, and until such application is heard the said grain shall remain on the premises where threshed and shall not be subject to removal or sale in the meantime.

Lien to remain when disputed.

(2) In all such cases the lien shall remain on the grain until the dispute has been determined by the court.

Returns to Minister.

14. Every thresher shall from time to time send to the Minister such information and returns as may be required.

Penalties,—
recovery of

15.—(1) Any owner of grain, or any other person, who sells, removes, or attempts to sell or remove grain which is subject to a lien under the provisions of this Act shall be liable, on summary conviction, to a penalty of not less than the value of the grain so sold or removed.

Rev. Stat.,
c. 121.

(2) Penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*.

(3) Any person who violates any other provisions of this Act shall, on summary conviction, be liable to a penalty not exceeding \$25.

Commence-
ment of Act.

16. This Act shall come into force on the 1st day of June, 1931.

(2) The lien is to remain on the grain until the dispute has been determined.

Section 14. This gives the Minister the right to have returns made to him as he may require them.

Section 15.—(1) An owner or other person who sells, removes, etc., any grain subject to a lien under this Act shall be liable to a penalty of not less than the value of the grain so sold or removed.

(2) The penalties are to be recoverable under *The Summary Convictions Act*.

(3) Any person who violates any other provisions of this Act than those set out in subsection 1 of this section shall be liable to a penalty not exceeding \$25.

BILL

An Act to provide for giving Threshers a
Lien in Certain Cases.

1st Reading

March 9th, 1931

2nd Reading

3rd Reading

MR. SMITH (Essex, South)

No. 112

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Negligence Act, 1930.

MR. FINLAYSON

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 112

1931

BILL

An Act to amend The Negligence Act, 1930.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Negligence Act, 1931*.

1930,
c. 27, s. 3,
amended.

2. Section 3 of *The Negligence Act, 1930* is amended by striking out the words "in any action founded upon the fault or negligence of two or more persons" in the first and second lines and inserting in lieu thereof the words "where damages have been caused or contributed to by the fault or neglect of two or more persons" so that the section will now read as follows:

Extent of
liability,
remedy over.

3. Where damages have been caused or contributed to by the fault or neglect of two or more persons the court shall determine the degree in which each of such persons is at fault or negligent, and where two or more persons are found liable they shall be jointly and severally liable to the person suffering loss or damage for such fault or negligence, but as between themselves, in the absence of any contract express or implied, each shall be liable to make contribution and indemnify each other in the degree in which they are respectively found to be at fault or negligent.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

This Bill is intended to make it clear that the action need not be brought against two or more persons and to get rid of the technical contention that the contribution among tort-feasors is intended to be confined to cases in which the plaintiff chooses to allege in an action that two persons are at fault.

BILL

An Act to amend The Negligence
Act, 1930.

1st Reading

March 10th, 1931

2nd Reading

3rd Reading

MR. FINLAYSON

No. 112

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

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An Act to amend The Negligence Act, 1930.

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Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Negligence
Act, 1930.

1st Reading

March 10th, 1931

2nd Reading

March 12th, 1931

3rd Reading

April 1st, 1931

MR. FINLAYSON

No. 113

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. CASE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 113

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s. 534,
amended.

1. Section 534 of *The Municipal Act* is amended by adding thereto the following subsection:

Length of
sidewalk
to be cleared
by owner.

- (4) Where a by-law is passed under clause (e) of subsection 1, the maximum length or distance of sidewalks adjoining land occupied and used as farm lands for which the occupant or owner thereof may be required to clear away and remove snow and ice or be charged with the expense of such clearing away and removal shall be limited to two hundred lineal feet notwithstanding that a greater length or distance of sidewalks may adjoin such land, and the clearing away and removal of snow and ice from such greater length or distance shall be undertaken by the trustees at the expense of the police village.

Commence-
ment of Act

2. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The purpose of this amendment is to protect farmers and others whose properties are situate in police villages and have extensive frontages on sidewalks from being required to clear snow and ice from a length of sidewalk which would be disproportionate when compared with the average frontage of other properties in the village.

BILL

An Act to amend The Municipal Act. ,

1st Reading

March 10th, 1931

2nd Reading

3rd Reading

MR. CASE

No. 114

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Public Hospitals and Hospitals for Incurables.

MR. ROBB

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 114

1931

BILL

An Act respecting Public Hospitals and Hospitals
for Incurables.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

- | | |
|------------------------|--|
| Short title. | 1. This Act may be cited as <i>The Public Hospitals Act, 1931</i> . |
| Interpreta-
tion. | 2. In this Act,— |
| “Board.” | (a) “Board” shall mean a board of directors, governors, trustees, commission or other governing body or authority of a hospital; |
| “Depen-
dant.” | (b) “Dependant” shall mean and include a patient for the charges for whose treatment some other person is liable in law; |
| “Depart-
ment.” | (c) “Department” shall mean the Department of Health for Ontario; |
| “Hospital.” | (d) “Hospital” shall mean and include any institution, building or other premises or place, howsoever created, established or incorporated for the treatment of persons suffering from sickness, disease or injury, or for the treatment of incurable persons. |
| “Incurable
person.” | (e) “Incurable person” shall mean any person afflicted with or suffering from any incurable disease, sickness, injury or other condition of a permanent nature requiring treatment; |
| “Inspector.” | (f) “Inspector” shall mean an officer of the Department designated under this Act as an inspector; |
| “Minister.” | (g) “Minister” shall mean the member of the Executive Council charged for the time being with the administration of this Act; |

GENERAL EXPLANATORY NOTE

Section 1. This is to take the place of the provisions of *The Hospitals and Charitable Institutions Act*, R.S.O. 1927, c. 359, respecting public hospitals.

Examination of that Act discloses the fact that with respect to Public Hospitals its only provisions are those which deal with the granting or withholding of Provincial aid and municipal liability for indigent patients.

This new Act without disturbing in any essential respects the present law as to Provincial aid or municipal liability other than with respect to babies born in a hospital at the same time contains provisions towards the establishment of a system of hospital government throughout the Province. The principal objects of the new Act are to effect improvements in respect to hospitals so that they may function more easily and in a more uniform manner and also to recognize their status more adequately than has been hitherto the case.

Up to the present time many hospitals in order to carry out their purposes have had to ask special legislation, and examination of the special Acts discloses that in many important respects hospitals throughout the Province have varying powers, many of them in conflict with any general and uniform system which might be adopted unless means are taken as is intended by the new Act to control such situation.

Section 2. Definitions. Generally speaking, the definitions are self-explanatory. Attention is drawn to the definition of "resident" which makes no change in the present law.

- "Municipality." (h) "Municipality" shall mean a city, separated town or county, except that in a territorial district it shall mean a city, town, village or township;
- "Patient." (i) "Patient" shall mean a person admitted to a hospital for the purpose of treatment;
- "Provincial aid." (j) "Provincial aid" shall mean aid granted to a hospital out of moneys appropriated for the purpose by the Legislature;
- "Regulations." (k) "Regulations" shall mean any regulations made under this Act;
- "Resident." (l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a hospital.
- "Superintendent." (m) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a hospital;
- "Territorial district." (n) "Territorial district" shall mean any of the territorial districts set forth in *The Territorial Division Act*;
- "Treatment." (o) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment of a patient;
- "Unorganized territory." (p) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization.

Sanatoria and private hospitals not to or affected. 1931, co. **3.** Nothing in this Act contained shall in any way relate to or affect a sanatorium under *The Sanatoria Act, 1931*, or a private hospital under *The Private Hospitals Act, 1931*.

Hospitals aided in 1930 approved. **4.—(1)** The several institutions which under *The Hospitals and Charitable Institutions Act* as public hospitals or homes for incurables received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be hospitals approved under this Act.

New hospitals not to be approved. **(2)** No institution, building or other premises or place shall hereafter be created, established or incorporated as a hospital until the same has been approved by the Lieutenant-Governor in Council.

Hospitals not to operate without approval. **(3)** No institution, building or other premises or place shall be operated or used as a hospital unless and until the same is approved by the Lieutenant-Governor in Council.

Section 3. Sanatoria and private hospitals are to be dealt with in separate Acts.

Section 4. Hospitals now receiving aid are continued under the new Act. The creation of new hospitals however is to be controlled so as to prevent unnecessary and unsuitable hospitals being established.

Suspension or revocation of approval. (4) Any approval given or deemed to have been given under this Act in respect to any hospital may be suspended by the Minister or revoked by the Lieutenant-Governor in Council.

Regulations for hospitals. 5. The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations with respect to hospitals as may be deemed necessary for,—

Creation, construction, etc. (a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Classification, etc. (b) their classification, grades and standards;

Inspection, etc. (c) their inspection, control, government, management, conduct, operation and use;

Staffs, etc. (d) their superintendents, staffs, officers, servants and employees, and the powers and duties thereof;

Patients, etc. (e) the admission, treatment, conduct, discipline and discharge of patients;

Rates, etc. (f) the classification and lengths of stay of and rates and charges for patients;

Accounting, etc. (g) the records, books, accounting systems, audits, reports and returns to be made and kept by hospitals;

Provincial aid. (h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid;

Miscellaneous. (i) all other matters affecting hospitals.

Enforcement of Act. 6. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations. And the Department may, from time to time, declare all or any of the regulations to be in force with respect to all hospitals or any specified hospital or hospitals and for such time or times as the Department may deem expedient.

Inspectors. 7. The Minister, with the approval of the Lieutenant-Governor in Council, may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations.

Hospital powers and their exercise. 8. Every hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or

Section 5. Regulatory power largely confined to matters of administration is included in the Act so that a gradual and general standardization system for hospitals may be worked out.

Section 6. The latter part of this provision is the same as that contained in *The Health Act*.

Section 7.

Section 8. The provisions of this section are to obtain uniformity in hospital operation.

empowered so to do, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Expropriation powers.

9. The board of a hospital may with the approval of the Lieutenant-Governor in Council pass by-laws for expropriating any land adjacent to or in the vicinity of such hospital which may be requisite for or advantageous to any of its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers, so far as the same are applicable or necessary thereto, and the superintendent in such case to exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality.

By-laws, etc., to be approved.

10. No by-law, rule or regulation of any hospital shall have force or effect until the same is approved by the Lieutenant-Governor in Council.

Medical students' clinics.

11. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations.

Hospitals to admit sick persons.

12. Except as may be otherwise provided in this Act, no hospital other than a hospital for incurables, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for incurables receiving such aid shall refuse to admit as a patient any incurable person so certified in accordance with the regulations.

Admission of indigents under agreement.

13. Except as may otherwise be provided in this Act or in the agreement, no hospital into which a municipality has entered into an agreement under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person a resident in such municipality, who from sickness, disease or injury or otherwise is in need of treatment.

Refusal of communicable disease cases.

14. Nothing in this Act contained shall require that any hospital, other than an isolation hospital, admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made thereunder requires quarantine and placarding.

Section 9. Power of expropriation is now contained in sec. 20 of the existing Act.

Section 10. Refer to section 15 of the existing Act.

Section 11. Refer to section 16 of the existing Act.

Section 12. Refer to section 18 of the existing Act.

Section 13. This is to protect the rights of the municipality which makes an annual grant to a hospital.

Section 14. Refer to section 18 of the existing Act.

Refusal of
non-
residents.

15. Nothing in this Act contained shall, unless by refusal of admission life would thereby be endangered, require that any hospital admit as a patient any person who is not a resident or a dependant of a resident of Ontario.

Admission
of incurable
persons.

16. No hospital for incurables shall admit as a patient an indigent person or the dependant of an indigent person for the charges for whose treatment a municipality may be liable under this Act, until such person or dependant is certified in accordance with the regulations to be an incurable person.

Employers'
liability.

17.—(1) Every employer of labour having more than ten persons in his employ and having a contract for the medical and surgical care of his employees shall be liable for the treatment of any of such employees admitted as a patient in a hospital at such rate and for such length of stay and subject to such conditions and limitations as the regulations may prescribe.

Rev. Stat.,
c. 179.

(2) Nothing in this section contained shall extend, apply to or affect the furnishing of medical aid to which employees are entitled under *The Workmen's Compensation Act*.

Municipal
liability for
indigents.

18.—(1) Subject as in this Act may otherwise be provided, when any patient in a hospital is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding \$1.75 per day.

Relief of
certain
municipali-
ties.

(2) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality, in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden.

Municipal
agreements
as to
indigents.

19. With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act.

Liability
for non-
residents
may be
assumed.

20. A municipality may pay to a hospital the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such hospital.

Burial
expenses.

21.—(1) In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a

Section 15. This provision is inserted to protect hospitals at border points which under the present law are required to admit non-residents thereby involving our Ontario hospitals in having annual losses.

Section 16. This is designed to prevent hospitals for incurables being used merely as boarding-houses for aged persons.

Section 17. Refer to section 23a of the existing Act.

Section 18. This is a re-statement of the present law, refer to the definition of "resident" in section 2. Subsection 2 is added to enable the poor and struggling municipalities to obtain more relief through special Provincial grants. The number of such municipalities which may require such assistance is limited.

Section 19. This is a continuance of the present law except that agreements must now be annual ones and approved by the Minister to ensure a measure of uniformity and to prevent unsound bargains being concluded.

Section 20. This places in the *Hospital Act* a provision contained in *The Municipal Act* so that it may not be lost sight of to cover exceptionable cases. Where the authority is used the municipality is protected in any payment it makes thereunder.

Section 21 (1). The amount payable for burial expenses is increased from \$15 to \$30.

resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, but not exceeding \$30.

Contribution
to Last Post
Fund.

(2) If such deceased patient was a member of His Majesty's Military or Naval Forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from The Last Post Fund, the said municipality shall pay the expenses of such burial, but not exceeding the sum of \$15 to The Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said fund.

Notice of
admission to
municipality.

22. Upon admission or after admission to a hospital of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

Notice
disputing
liability.

23. Unless the clerk of a municipality within fifteen days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act.

Information
to be
furnished.

24. The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient.

Cases where
residence not
presumed.

25. For the purpose of this Act, no patient shall be deemed to be a resident in a municipality,—

Persons
seeking
medical aid.

(a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a hospital in such municipality; or

Health
seekers in
the districts.

(b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a hospital,

Sections 22, 23, and 24. This is a re-statement of the present law except that the time for the municipal clerk to file notice of dispute is cut down from 30 days to 15 days.

Section 25. This is an extension of the provisions of subsection 4 of section 21 of the existing Act which is desirable by reason of the residence rule.

but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

Pupils.

- (c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or

Institutional inmates.

- (d) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such an inmate or patient.

County's right to contribution.

26.—(1) Where the corporation of a county has not made an agreement under the provisions of section 19, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment, in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.

Admissions on order M.O.H. in certain cases.

(2) Except in cases of emergency, as to which the superintendent of the hospital shall be the sole judge no indigent person or dependant of an indigent person resident in a township bordering on a city or separated town shall be admitted as a patient in a hospital in such city or separated town without an order in writing signed by the medical officer of health of such township, and where in case of emergency an indigent person or a dependant of an indigent person is admitted as a patient without such an order liability for charges for treatment of such patient shall not continue beyond a period of seven days from the admission unless the order is obtained by the hospital.

Residence of dependent.

27. A dependent of an indigent person shall for the purpose of this Act be deemed to be a resident in that municipality in which such indigent person is resident.

Incurable persons in hospitals.

28. When a patient in a hospital other than a hospital for incurables for the charges for whose treatment a muni-

Section 26. Refer to subsections 10, 11 and 12 of section 21 of the existing Act.

Section 28. The purpose of this section is to ensure that incurable persons are not left in a public hospital but transferred to a hospital for incurables.

cipality is liable under this Act, is certified in accordance with the regulations to be an incurable person the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, 25 cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital.

Babies born
in hospital.

29. When a baby is born in a hospital it shall for the purposes of this Act be deemed to be a patient and if the baby of an indigent person shall be deemed to be a resident in that municipality in which such indigent person is a resident; and the municipality shall be liable for the treatment of a baby as the dependant of an indigent person at a rate of 90 cents per day for a period not exceeding fourteen days after the birth of such baby.

Statements
of account
to be
rendered.

30. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse
against
patient.

31. Upon payment by a municipality of any account rendered to it by a hospital for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse
against
proper
municipality.

32. Upon payment by a municipality to a hospital of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such municipality and it being ascertained that such patient was not a resident therein but at the time of admission to the hospital was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 31.

Section 29. This is new and provides for municipal liability for babies born in hospitals. Under the present law the municipality is not liable because a baby born in a hospital cannot be regarded as a patient admitted to a hospital. The rate payable is less than that chargeable for other patients and is for a limited period of 14 days only.

Sections 30, 31 and 32. These sections cover the rendering of statements of hospital accounts to municipalities and for the payment thereof and for the right of recourse on the part of the municipality against a patient or his estate, or where a mistake has been made against a municipality which should have paid in the first instance.

Workmen's
Compensa-
tion Board
cases, etc.

Rev. Stat.,
c. 179.

33. Nothing in this Act contained shall render a municipality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen's Compensation Board or an employer under *The Workmen's Compensation Act* or by an employer under section 17 of this Act.

Provincial
aid.

34.—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, as follows:

Initial
indigent rate
of aid.

(a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in paragraph (b) mentioned, at the rate of sixty cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital.

Baby rate of
aid.

(b) For treatment of every patient who is a baby of an indigent person born in a hospital at the rate of thirty cents per day for every day up to fourteen days after birth that such patient is receiving treatment in a hospital.

Secondary
indigent rate
of aid.

(c) For treatment of every patient mentioned in paragraph (a) of this section at the rate of ten cents per day for every day in excess of one hundred and twenty days that such patient is receiving treatment in a hospital.

Indigent
rate of aid
for unorgan-
ized
territory.

(d) For treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a hospital at the rate of two dollars per day for every day that such patient is receiving treatment in the hospital.

Incurable
persons' rate
of aid.

(e) For treatment of every incurable person admitted as a patient in a hospital for incurables at the rate of sixty cents per day for every day that such incurable person is receiving treatment in such hospital.

(2) In calculating the amount of provincial aid the day of departure of a patient or incurable person shall not be included.

Limitation
as to
patients
subject
of aid.

35. Except as otherwise provided in this Act, no provincial aid shall be granted to any hospital in respect of a patient therein, if the charges received by the hospital in

Section 33. This section is aimed at preventing duplication of charges.

Section 34. Except for the addition of Provincial aid for babies born in hospital this section is a re-statement of the present law.

Sections 35 to 39. These sections are a re-statement of the present law with such modifications as the new Act may require.

respect to such patient exceed \$1.75 per day from all sources other than provincial aid.

Maximum aid not to exceed municipal aid.

36. Unless the Lieutenant-Governor in Council otherwise directs the provincial aid which may be granted in any year to a hospital established elsewhere than in a territorial district shall not exceed the total of all amounts received by such hospital in that year from municipalities under the provisions of this Act.

No aid where hospital self-sustaining.

37. No provincial aid shall be granted to a hospital for any year in which the revenues of such hospital are equal to or exceed the expenditures for operation and maintenance of the hospital, unless the Lieutenant-Governor in Council otherwise directs.

No aid while approval revoked, etc.

38. No provincial aid shall be granted to any hospital the approval of which has been revoked or suspended, or to any hospital which does not comply with the provisions of this Act and the regulations.

Restoration of aid.

39. When from any cause provincial aid to any hospital has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such hospital has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be.

GENERAL

Penalties.

40. Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$50 and not exceeding \$500, recoverable under *The Summary Convictions Act*.

Repeal.

41. *The Hospitals and Charitable Institutions Act*, being chapter 359 of the Revised Statutes of 1927, *The Hospitals and Charitable Institutions Act, 1928* and section 18 of chapter 21 of the Statutes of 1929, are repealed.

Commencement of Act.

42. This Act shall come into force on the 1st day of October, 1931.

Section 42. The new Act is to come into force at the expiration of the current hospital year.

BILL

An Act respecting Public Hospitals and
Hospitals for Incurables.

1st Reading

March 11th, 1931

2nd Reading

3rd Reading

MR. ROBB

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Public Hospitals and Hospitals for Incurables.

MR. ROBB

No. 114

1931

BILL

An Act respecting Public Hospitals and Hospitals
for Incurables.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

- Short title. **1.** This Act may be cited as *The Public Hospitals Act, 1931*.
- Interpreta- **2.** In this Act,—
tion.
- “Board.” (a) “Board” shall mean a board of directors, governors,
trustees, commission or other governing body or
authority of a hospital;
- “Depen- (b) “Dependant” shall mean and include a patient for
dant.” the charges for whose treatment some other person
is liable in law;
- “Depart- (c) “Department” shall mean the Department of
ment.” Health for Ontario;
- “Hospital.” (d) “Hospital” shall mean and include any institution,
building or other premises or place, howsoever
created, established or incorporated for the treat-
ment of persons suffering from sickness, disease or
injury, or for the treatment of incurable persons.
- “Incurable (e) “Incurable person” shall mean any person afflicted
person.” with or suffering from any incurable disease, sick-
ness, injury or other condition of a permanent
nature requiring treatment;
- “Inspector.” (f) “Inspector” shall mean an officer of the Department
designated under this Act as an inspector;
- “Minister.” (g) “Minister” shall mean the member of the Executive
Council charged for the time being with the admini-
stration of this Act;

- (h) "Municipality" shall mean a city, separated town or county, except that in a territorial district it shall mean a city, town, village or township; ^{"Municipality."}
- (i) "Patient" shall mean a person admitted to a hospital for the purpose of treatment; ^{"Patient."}
- (j) "Provincial aid" shall mean aid granted to a hospital out of moneys appropriated for the purpose by the Legislature; ^{"Provincial aid."}
- (k) "Regulations" shall mean any regulations made under this Act; ^{"Regulations."}
- (l) "Resident" shall mean a person who has actually resided in a municipality for the period of three months within the five months next prior to admission to a hospital. ^{"Resident."}
- (m) "Superintendent" shall mean the person who has for the time being the direct and actual superintendence and charge of a hospital; ^{"Superintendent."}
- (n) "Territorial district" shall mean any of the territorial districts set forth in *The Territorial Division Act*; ^{"Territorial district."}
- (o) "Treatment" shall mean and include the stay, maintenance, observation, care, nursing and treatment of a patient; ^{"Treatment."}
- (p) "Unorganized territory" shall mean that part of a territorial district which is without municipal organization. ^{"Unorganized territory."}

3. Nothing in this Act contained shall in any way relate to or affect a sanatorium under *The Sanatoria for Consumptives Act, 1931*, or a private hospital under *The Private Hospitals Act, 1931*. ^{Sanatoria and private hospitals not affected. 1931, cc.}

4.—(1) The several institutions which under *The Hospitals and Charitable Institutions Act* as public hospitals or homes for incurables received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be hospitals approved under this Act. ^{Hospitals aided in 1930 approved.}

(2) No institution, building or other premises or place shall hereafter be created, established or incorporated as a hospital until the same has been approved by the Lieutenant-Governor in Council. ^{New hospitals to be approved.}

(3) No institution, building or other premises or place shall be operated or used as a hospital unless and until the same is approved by the Lieutenant-Governor in Council. ^{Hospitals not to operate without approval.}

Suspension
or revocation
of approval.

(4) Any approval given or deemed to have been given under this Act in respect to any hospital may be suspended by the Minister or revoked by the Lieutenant-Governor in Council.

Regulations
for
hospitals.

5. The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations with respect to hospitals as may be deemed necessary for,—

Creation,
construction,
etc.

(a) their creation, establishment, construction, alteration, equipment, maintenance and repair;

Classifica-
tion, etc.

(b) their classification, grades and standards;

Inspection,
etc.

(c) their inspection, control, government, management, conduct, operation and use;

Staffs, etc.

(d) their superintendents, staffs, officers, servants and employees, and the powers and duties thereof;

Patients, etc.

(e) the admission, treatment, conduct, discipline and discharge of patients;

Rates, etc.

(f) the classification and lengths of stay of and rates and charges for patients;

Accounting,
etc.

(g) the records, books, accounting systems, audits, reports and returns to be made and kept by hospitals;

Provincial
aid.

(h) the distribution, payment, withholding and restoration of and other matters affecting provincial aid;

Miscel-
laneous.

(i) all other matters affecting hospitals.

Enforcement
of Act.

6. It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations. And the Department may, from time to time, declare all or any of the regulations to be in force with respect to all hospitals or any specified hospital or hospitals and for such time or times as the Department may deem expedient.

Inspectors.

7. The Minister, with the approval of the Lieutenant-Governor in Council, may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations.

Hospital
powers and
their
exercise.

8. Every hospital shall have power to carry on its undertaking as may be authorized by any general or special Act under which it was created, established, incorporated or

empowered so to do, but where the provisions of any general or special Act heretofore passed conflict with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

9. The board of a hospital may with the approval of the Lieutenant-Governor in Council pass by-laws for expropriating any land adjacent to or in the vicinity of such hospital which may be requisite for or advantageous to any of its purposes, and in that behalf may exercise the powers of expropriation conferred on a municipality under *The Municipal Act*, the provisions of which relating thereto shall, *mutatis mutandis*, apply to and govern the exercise of such powers, so far as the same are applicable or necessary thereto, and the superintendent in such case to exercise the powers and perform the duties which under the said Act are to be exercised and performed by the clerk of the municipality.

10. No by-law, rule or regulation of any hospital shall have force or effect until the same is approved by the Lieutenant-Governor in Council.

11. Subject to the provisions of any existing agreement relating thereto, every hospital, other than a hospital for incurables, receiving provincial aid under this Act shall provide such reasonable facilities for giving instruction to medical students of any university as may be required by the regulations.

12. Except as may be otherwise provided in this Act, no hospital other than a hospital for incurables, receiving provincial aid shall refuse to admit as a patient any person who from sickness, disease or injury or otherwise is in need of treatment, and no hospital for incurables receiving such aid shall refuse to admit as a patient any incurable person so certified in accordance with the regulations.

13. Except as may otherwise be provided in this Act or in the agreement, no hospital into which a municipality has entered into an agreement under this Act shall refuse to admit as a patient any indigent person or dependant of an indigent person a resident in such municipality, who from sickness, disease or injury or otherwise is in need of treatment.

14. Nothing in this Act contained shall require that any hospital, other than an isolation hospital, admit or retain as a patient any person suffering from a communicable disease which under *The Public Health Act* or regulations made thereunder requires quarantine and placarding.

Refusal of
non-
residents.

15. Nothing in this Act contained shall, unless by refusal of admission life would thereby be endangered, require that any hospital admit as a patient any person who is not a resident or a dependant of a resident of Ontario.

Admission
of incurable
persons.

16. No hospital for incurables shall admit as a patient an indigent person or the dependant of an indigent person for the charges for whose treatment a municipality may be liable under this Act, until such person or dependant is certified in accordance with the regulations to be an incurable person.

Employers'
liability.

17.—(1) Every employer of labour having more than ten persons in his employ and having a contract for the medical and surgical care of his employees shall be liable for the treatment of any of such employees admitted as a patient in a hospital at such rate and for such length of stay and subject to such conditions and limitations as the regulations may prescribe.

Rev. Stat.,
c. 179.

(2) Nothing in this section contained shall extend, apply to or affect the furnishing of medical aid to which employees are entitled under *The Workmen's Compensation Act*.

Municipal
liability for
indigents.

18.—(1) Subject as in this Act may otherwise be provided, when any patient in a hospital is an indigent person or a dependant of an indigent person, that municipality in which such person was a resident at the time of admission shall be liable to the hospital for payment of the charges for treatment of such patient at a rate not exceeding \$1.75 per day.

Relief of
certain
municipali-
ties.

(2) Where in the opinion of the Minister liability under this section would in any year unduly burden any municipality, in a territorial district, other than a city, the Lieutenant-Governor in Council upon the recommendation of the Minister may make special grants by way of provincial aid to relieve in whole or in part such municipality from the burden.

Municipal
agreements
as to
indigents.

19. With the approval of the Minister, a municipality may enter into an annual agreement with a hospital respecting the admission and treatment of all indigent persons and dependants of indigent persons residents in such municipality, and in such case the liability of the municipality to such hospital shall be determined according to such agreement in lieu of under this Act.

Liability
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residents
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20. A municipality may pay to a hospital the charges for treatment of a patient notwithstanding that such patient was not a resident in such municipality at the time of admission to such hospital.

Burial
expenses.

21.—(1) In the event of the death in a hospital of any patient who is an indigent person or a dependant of an indigent person, that municipality in which such indigent person was a

resident at the time of admission shall pay to the hospital any expenses of burial which it may incur, but not exceeding \$30.

(2) If such deceased patient was a member of His Majesty's Military or Naval Forces in active service during the Great War, 1914-1918, and the burial was provided by and paid for from The Last Post Fund, the said municipality shall pay the expenses of such burial, but not exceeding the sum of \$30 to The Last Post Fund upon proof of such burial and demand for payment made by a properly accredited officer of the said fund.

Contribution
to Last Post
Fund.

22. Upon admission or after admission to a hospital of any patient who is or is represented to be or becomes an indigent person or the dependant of an indigent person the superintendent shall by registered letter notify the clerk of the municipality in which such indigent person is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the indigent person.

Notice of
admission to
municipal-
ity.

23. Unless the clerk of a municipality within twenty days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the patient referred to therein was not a resident in the municipality at the time of admission as a patient or is not an indigent person or a dependant of an indigent person, such municipality shall be liable for the charges for treatment of such patient as provided for in this Act.

Notice
disputing
liability.

24. The clerk of a municipality when notifying a superintendent that a patient is not a resident in the municipality or is not an indigent person or a dependant of an indigent person, shall furnish such information as he may have ascertained with respect to such patient.

Information
to be
furnished.

25. For the purpose of this Act, no patient shall be deemed to be a resident in a municipality,—

Cases where
residence not
presumed.

(a) by reason of having gone to the municipality for the purpose of seeking medical advice or treatment or seeking admission or treatment in a hospital in such municipality; or

Persons
seeking
medical aid.

(b) if the municipality is in a territorial district, and such patient being infected or likely or suspected of being infected with tuberculosis has gone to such municipality principally for the purpose of health and within one year after going to such municipality is admitted a patient in a hospital,

Health
seekers in
the districts.

but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time of going to a municipality in a territorial district; or

Pupils.

- (c) if such patient has been living in the municipality by reason of being a pupil in any school, college, university, or other seminary of learning therein and at the time he became such a pupil was not a resident therein; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such a pupil; or

Institutional inmates.

- (d) by reason of having been a patient or an inmate of a hospital, sanatorium, house of refuge, orphanage, children's shelter or child welfare institution, gaol, reformatory, prison or other public institution in the municipality and otherwise was not a resident therein; but in such cases the patient shall for the purpose of this Act be deemed to be a resident in that municipality in which he was a resident at the time he became such an inmate or patient.

County's right to contribution.

26.—(1) Where the corporation of a county has not made an agreement under the provisions of section 19, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment, in a hospital of any patient for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission.

Admissions on order M.O.H. in certain cases.

(2) Except in cases of emergency, as to which the superintendent of the hospital shall be the sole judge no indigent person or dependant of an indigent person resident in a township bordering on a city or separated town shall be admitted as a patient in a hospital in such city or separated town without an order in writing signed by the medical officer of health of such township, and where in case of emergency an indigent person or a dependant of an indigent person is admitted as a patient without such an order liability for charges for treatment of such patient shall not continue beyond a period of seven days from the admission unless the order is obtained by the hospital.

Residence of dependent.

27. A dependent of an indigent person shall for the purpose of this Act be deemed to be a resident in that municipality in which such indigent person is resident.

Incurable persons in hospitals.

28. When a patient in a hospital other than a hospital for incurables for the charges for whose treatment a muni-

cipality is liable under this Act, is certified in accordance with the regulations to be an incurable person the hospital may require of the municipality liable that such patient be removed from the hospital within seven days after notice has been given by registered letter to the clerk thereof, and failing which removal the hospital shall be entitled to charge the municipality liable, 25 cents per day in addition to any other charges provided to be paid under this Act while such patient remains in the hospital.

29. When a baby is born in a hospital it shall for the purposes of this Act be deemed to be a patient and if the baby of an indigent person shall be deemed to be a resident in that municipality in which such indigent person is a resident; and the municipality shall be liable for the treatment of a baby as the dependant of an indigent person at a rate of 90 cents per day for a period not exceeding fourteen days after the birth of such baby.

30. When under this Act the charges for treatment of any patient or for burial expenses of a deceased patient are payable by a municipality the hospital to which such patient was admitted shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

31. Upon payment by a municipality of any account rendered to it by a hospital for treatment of a patient or on payment by it of any expenses of burial of a deceased patient, such municipality may recover from the patient, or, in the event of his decease, from his estate or personal representatives, or, in the case of a dependant, from any person liable in law in respect to such dependant, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

32. Upon payment by a municipality to a hospital of any account for treatment of a patient or upon payment of any expense of burial of a deceased patient by reason of such patient having been assumed to be a resident in such municipality and it being ascertained that such patient was not a resident therein but at the time of admission to the hospital was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such patient was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 31.

Workmen's
Compensa-
tion Board
cases, etc.

Rev. Stat.,
c. 179.

33. Nothing in this Act contained shall render a municipality liable for payment of the charges for treatment of a patient where such charges are payable by the Workmen's Compensation Board or an employer under *The Workmen's Compensation Act* or by an employer under section 17 of this Act.

Provincial
aid.

34.—(1) Subject to the provisions of this Act and of the regulations, provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, as follows:

Initial
indigent rate
of aid.

(a) For treatment of every patient who is an indigent person or the dependant of an indigent person, other than a baby, as in paragraph (b) mentioned, at the rate of sixty cents per day for every day up to one hundred and twenty days that such patient is receiving treatment in a hospital.

Baby rate of
aid.

(b) For treatment of every patient who is a baby of an indigent person born in a hospital at the rate of thirty cents per day for every day up to fourteen days after birth that such patient is receiving treatment in a hospital.

Secondary
indigent rate
of aid.

(c) For treatment of every patient mentioned in paragraph (a) of this section at the rate of ten cents per day for every day in excess of one hundred and twenty days that such patient is receiving treatment in a hospital.

Indigent
rate of aid
for unorgan-
ized
territory.

(d) For treatment of every patient who is an indigent person or the dependant of an indigent person and who has actually resided in unorganized territory for the period of three months within the five months next prior to admission to a hospital at the rate of two dollars per day for every day that such patient is receiving treatment in the hospital.

Incurable
persons' rate
of aid.

(e) For treatment of every incurable person admitted as a patient in a hospital for incurables at the rate of sixty cents per day for every day that such incurable person is receiving treatment in such hospital.

(2) In calculating the amount of provincial aid the day of departure of a patient or incurable person shall not be included.

Limitation
as to
patients
subject
of aid.

35. Except as otherwise provided in this Act, no provincial aid shall be granted to any hospital in respect of a patient therein, if the charges received by the hospital in

respect to such patient exceed \$1.75 per day from all sources other than provincial aid.

36. Unless the Lieutenant-Governor in Council otherwise directs the provincial aid which may be granted in any year to a hospital established elsewhere than in a territorial district shall not exceed the total of all amounts received by such hospital in that year from municipalities under the provisions of this Act. Maximum aid not to exceed municipal aid.

37. No provincial aid shall be granted to a hospital for any year in which the revenues of such hospital are equal to or exceed the expenditures for operation and maintenance of the hospital, unless the Lieutenant-Governor in Council otherwise directs. No aid where hospital self-sustaining.

38. No provincial aid shall be granted to any hospital the approval of which has been revoked or suspended, or to any hospital which does not comply with the provisions of this Act and the regulations. No aid while approval revoked, etc.

39. When from any cause provincial aid to any hospital has not been granted or the grant thereof has been withdrawn or withheld, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such hospital has been revived or until compliance with the provisions of this Act or the regulations is made, as the case may be. Restoration of aid.

GENERAL

40. Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act*. Penalties.

41. *The Hospitals and Charitable Institutions Act*, being chapter 359 of the Revised Statutes of 1927, *The Hospitals and Charitable Institutions Act, 1928* and section 18 of chapter 21 of the Statutes of 1929, are repealed. Repeal.

42. This Act shall come into force on the 1st day of October, 1931. Commencement of Act.

BILL

An Act respecting Public Hospitals and
Hospitals for Incurables.

1st Reading

March 11th, 1931

2nd Reading

March 16th, 1931

3rd Reading

March 25th, 1931

MR. ROBB

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The County Judges Act.

MR. PRICE

BILL

An Act to amend The County Judges Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The County Judges Act, 1931*.

Rev. Stat.
c. 90, ss. 4, 5,
repealed. **2.** Sections 4 and 5 of *The County Judges Act* are repealed and the following substituted therefor:

Junior
judges in
Wentworth,
Carlton,
Middlesex
and Essex. **4.** A junior judge may be appointed for each of the counties of Wentworth, Carlton and Middlesex and two junior judges may be appointed for the county of Essex.

County of
York. **5.** Junior judges not exceeding seven in number may be appointed for the county of York.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The effect of the proposed section 4 is to provide for an additional junior judge in the case of the County of Essex. The proposed section 5 increases the number of junior judges in the County of York from five to seven so that the total county bench will consist of eight judges.

BILL

An Act to amend The County Judges Act.

1st Reading

March 11th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 115

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The County Judges Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 115

1931

BILL

An Act to amend The County Judges Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The County Judges Act, 1931*.

Rev. Stat.
c. 90, ss. 4, 5,
repealed. **2.** Sections 4 and 5 of *The County Judges Act* are repealed and the following substituted therefor:

Junior
judges in
Wentworth,
Carlton,
Middlesex
and Essex. **4.** A junior judge may be appointed for each of the counties of Wentworth, Carlton and Middlesex and two junior judges may be appointed for the county of Essex.

County of
York. **5.** Junior judges not exceeding seven in number may be appointed for the county of York.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL.

An Act to amend The County Judges Act.

1st Reading

March 11th, 1931

2nd Reading

March 17th, 1931

3rd Reading

March 27th, 1931

MR. PRICE

No. 116

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Married Women's Property Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 116

1931

BILL

An Act to amend The Married Women's Property Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Married Women's Property Act, 1931*.

Rev. Stat.,
c. 182, s. 3,
amended.

2. Section 3 of *The Married Women's Property Act* is amended by adding thereto the following subsection:

Husband not
responsible
for wife's
torts.

(2) An action shall not lie against a husband for any tort committed by his wife before or after marriage nor shall he be joined in any action against his wife to recover damages for any tort committed by her.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

This amendment is intended to make it quite clear that the husband is not responsible for his wife's torts. This is the view formerly taken of the law but which has been upset by the decision of the House of Lords in the case of *Seroka vs. Kattenburg*, 17 Q.B.D. 177.

BILL

An Act to amend The Married Women's
Property Act.

1st Reading

March 11th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 116

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Married Women's Property Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 116

1931

BILL

An Act to amend The Married Women's Property Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Married Women's Property Act, 1931*.

Rev. Stat.,
c. 182, s. 3,
amended.

2. Section 3 of *The Married Women's Property Act* is amended by adding thereto the following subsection:

Husband not
responsible
for wife's
torts.

(2) An action shall not lie against a husband for any tort committed by his wife before or after marriage nor shall he be joined in any action against his wife to recover damages for any tort committed by her.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Married Women's
Property Act.

1st Reading

March 11th, 1931

2nd Reading

March 12th, 1931

3rd Reading

March 18th, 1931

MR. PRICE

No. 117

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Summary Convictions Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 117

1931

BILL

An Act to amend The Summary Convictions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Summary Convictions Act, 1931*.

Rev. Stat.,
c. 121, s. 13,
amended. **2.** Section 13 of *The Summary Convictions Act* is amended by adding thereto the following subsection:

(4) Where an appeal is taken to the judge of the county or district court or to the division court the judge may award reasonable costs to either party including counsel fees and all necessary disbursements.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

Some doubt appears to exist among county judges as to the power to award costs where an appeal is taken to the county judge as provided in *The Summary Convictions Act*. It seems certain that there is the power to award costs but there is no tariff available and in the nature of things it is necessary to leave something to the discretion of the judge.

BILL

An Act to amend The Summary
Convictions Act.

1st Reading

March 11th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 117

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Summary Convictions Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 117

1931

BILL

An Act to amend The Summary Convictions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Summary Convictions Act, 1931*.

Rev. Stat.,
c. 121, s. 7,
amended.

2. Section 7 of *The Summary Convictions Act* is amended by adding thereto the following subsection:—

Transcrip-
tion of
evidence.

(2) Where the evidence in any case is taken down in shorthand there shall be no transcription of the evidence unless,—

(a) one of the parties to the case requires a transcription;

(b) an appeal is taken from the conviction or order; or

(c) the clerk of the peace requires a transcription to be made.

Rev. Stat.,
c. 121, s. 13,
amended.

3. Section 13 of *The Summary Convictions Act* is amended by adding thereto the following subsection:

(4) Where an appeal is taken to the judge of the county or district court or to the division court the judge may award reasonable costs to either party including counsel fees and all necessary disbursements.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. This amendment is intended to prevent unnecessary expense being incurred in preliminary investigation of criminal matters.

Section 3. Some doubt appears to exist among county judges as to the power to award costs where an appeal is taken to the county judge as provided in *The Summary Convictions Act*. It seems certain that there is the power to award costs but there is no tariff available and in the nature of things it is necessary to leave something to the discretion of the judge.

BILL

An Act to amend The Summary
Convictions Act.

1st Reading

March 11th, 1931

2nd Reading

March 12th, 1931

3rd Reading

MR. PRICE

(Reprinted as amended in Committee of
the Whole House)

No. 117

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Summary Convictions Act.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 117

1931

BILL

An Act to amend The Summary Convictions Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Summary Convictions Act, 1931*.

Rev. Stat.,
c. 121, s. 7,
amended.

2. Section 7 of *The Summary Convictions Act* is amended by adding thereto the following subsection:—

Transcrip-
tion of
evidence.

(2) Where the evidence in any case is taken down in shorthand there shall be no transcription of the evidence unless,—

(a) one of the parties to the case requires a transcription;

(b) an appeal is taken from the conviction or order; or

(c) the clerk of the peace requires a transcription to be made.

Rev. Stat.,
c. 121, s. 13,
amended.

3. Section 13 of *The Summary Convictions Act* is amended by adding thereto the following subsection:

(4) Where an appeal is taken to the judge of the county or district court or to the division court the judge may award reasonable costs to either party including counsel fees and all necessary disbursements.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Summary
Convictions Act.

1st Reading

March 11th, 1931

2nd Reading

March 12th, 1931

3rd Reading

March 27th, 1931

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to make better provision for the Maintenance of
Minor Children.

MR. PRICE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 118

1931

BILL

An Act to make better provision for the Maintenance of Minor Children.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Children's Maintenance Act, 1931*.

Liability of parent for maintenance of child. **2.** Every parent shall be liable for the maintenance and education of his infant child under the age of sixteen years, regard being had to his station in life and means and to the ability of the child to maintain himself.

Penalty. **3.** Any parent failing, without lawful excuse, to provide for the maintenance and education of his child according to his ability and the need of the child shall be liable, upon summary conviction, to imprisonment for not more than three months.

Commencement of Act. **4.** This Act shall come into force on the 1st day of June, 1931.

EXPLANATORY NOTE

Section 242 of the Criminal Code makes a person guilty of an offence as parent or guardian who neglects to provide for wife or child. It has been held that there is no offence created until there has been a legal duty cast upon the parent and there is nothing in Ontario legislation to say that the parent is under such civil liability to support his children. The Bill is intended to meet this case by imposing such liability.

The Bill is the result of a recent decision by Mr. Justice Grant. *Rex vs. Wright*, Vol. 39, O.W.N., page 307.

BILL

An Act to make better provision for the
Maintenance of Minor Children.

1st Reading

March 13th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 118

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to make better provision for the Maintenance of
Minor Children.

MR. PRICE

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 118

1931

BILL

An Act to make better provision for the Maintenance of Minor Children.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Children's Maintenance Act, 1931*.

Liability of parent for maintenance of child. **2.** Every parent shall be liable for the maintenance and education of his infant child under the age of sixteen years, regard being had to his station in life and means and to the ability of the child to maintain himself.

Penalty. **3.** Any parent failing, without lawful excuse, to provide for the maintenance and education of his child according to his ability and the need of the child shall be liable, upon summary conviction, to imprisonment for not more than three months.

Medical Attendance **4.** Nothing in this Act shall be construed as compelling any special remedial treatment for any child contrary to the objection of the parent, guardian or person acting in *loco parentis*.

Commencement of Act. **5.** This Act shall come into force on the 1st day of June, 1931.

BILL

An Act to make better provision for the Maintenance of Minor Children.

1st Reading

March 13th, 1931

2nd Reading

March 17th, 1931

3rd Reading

March 23rd, 1931

Mr. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Pharmacy Act.

MR. ROBB

No. 119

1931

BILL

An Act to amend The Pharmacy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Pharmacy Act, 1931*.

Rev. Stat.
c. 199,
sched. "C",
Part I,
amended.

2. Part I of schedule "C" to *The Pharmacy Act* is amended by inserting after the item "Atropine" the item "Calcium cyanide" and by inserting after the item "Savin and all preparations thereof" the item "Sodium cyanide."

Rev. Stat.
c. 199,
sched. "C",
Part II,
amended.

3. Part II of schedule "C" of *The Pharmacy Act* is amended by inserting after the item "Croton oil and Seeds" the item "Di-ethyl, Barbituric Acid and all derivatives of Barbituric Acid, whether described as Veronal, Proponal, Medinal, Luminal or by any other trade name, mark or designation."

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

The effect of the amendment is that the drugs mentioned shall not be sold except by a qualified registered druggist and that the receptacles containing the same shall be distinctly marked "Poison," and where such drugs are sold by retail they shall be marked with the name and address of the proprietor of the establishment in which they are sold, and in addition "calcium cyanide" and "sodium cyanide" shall not be sold to "any person unknown to the seller unless introduced by some person known to the seller and on every sale the person actually selling these drugs shall keep an entry in a book giving the date of the sale, the name and address of the purchaser and the name and quantity of the article sold." (See section 32 of *The Pharmacy Act*).

BILL

An Act to amend The Pharmacy Act.

1st Reading

March 13th, 1931

2nd Reading

3rd Reading

MR. ROBB

No. 120

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Anatomy Act.

MR. MARTIN (Brantford)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 120

1931

BILL

An Act to amend The Anatomy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Anatomy Act, 1931*.

Rev. Stat.
c. 197, s. 4,
subs. 2,
repealed.

2. Subsection 2 of section 4 of *The Anatomy Act* is repealed and the following substituted therefor:

Limit as
to amount
of council's
liability for
expense.

(2) Where the body of a person who dies in a county house of refuge is delivered to the county councillor as provided by subsection 2 of section 3 the body shall be decently interred and the county shall bear the expense of burial to the extent of \$30.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

One or two county councils have asked that legislation be passed to limit the expense to be incurred by a county councillor for the burial of an inmate of a county house of refuge, the county being liable for the burial expenses of such inmate under the present Act.

BILL

An Act to amend The Anatomy Act.

1st Reading

March 13th, 1931

2nd Reading

3rd Reading

MR. MARTIN (Brantford)

No. 120

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Anatomy Act.

Mr. MARTIN (Brantford)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 120

1931

BILL

An Act to amend The Anatomy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Anatomy Act, 1931*.

Rev. Stat.
c. 197, s. 4,
subs. 2,
repealed.

2. Subsection 2 of section 4 of *The Anatomy Act* is repealed and the following substituted therefor:

Limit as
to amount
of council's
liability for
expense.

(2) Where the body of a person who dies in a county house of refuge is delivered to a county councillor as provided by subsection 2 of section 3 the body shall be decently interred and the county shall bear the expense of burial to the extent of \$30.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Anatomy Act.

1st Reading

March 13th, 1931

2nd Reading

March 16th, 1931

3rd Reading

March 23rd, 1931

MR. MARTIN (Brantford)

No. 121

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Mining Tax Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 121

1931

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mining Tax Act, 1931*.

Rev. Stat.
c. 28, s. 19,
subs. 1,
amended.

2.—(1) Subsection 1 of section 19 of *The Mining Tax Act* is amended by adding thereto the following words:

“together with interest at the rate of ten per cent. per annum compounded yearly, and such costs of the application as may be allowed by the judge.”

Rev. Stat.
c. 28, s. 19,
subs. 2,
amended.

(2) Section 19 of *The Mining Tax Act* is amended by adding thereto the following subsection:

Vesting
Order when
deceased
delinquent
co-owner
has no repre-
sentative.

(4) In the event of letters of administration or letters probate not having issued by a surrogate court of the Province of Ontario to the estate of a deceased co-owner at the time of any application made pursuant to the provisions of this section, the Judge of the Mining Court may appoint the Public Trustee to represent the estate of such deceased co-owner, and notwithstanding the provisions of *The Devolution of Estates Act* or any other statute in that behalf, an order may be made by the Judge of the Mining Court vesting the interests of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid such taxes, and the same shall be valid and binding upon all beneficiaries or other persons interested in such estate.

Rev. Stat.
c. 148.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2 (1). This provides that where a mining property is owned by more than one person, and a co-owner has not paid his share of the tax for four years, compound interest at ten per cent. may be added to his share of the taxes.

2 (2). Section 19 of *The Mining Tax Act* authorizes the court, where a delinquent co-owner remains in default, to make a vesting order vesting the mining property in the co-owner who has paid up his mining tax. The proposed subsection is intended to provide for a case where the delinquent co-owner is dead and no letters of administration or letters probate having been taken out there is no one to represent the estate of the deceased co-owner.

BILL

An Act to amend The Mining Tax Act.

1st Reading

March 13th, 1931

2nd Reading

3rd Reading

MR. MCCREA

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Mining Tax Act.

MR. MCCREA

No. 121

1931

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Mining Tax Act, 1931*.

Rev. Stat.
c. 28, s. 19,
subs. 1,
amended.

2.—(1) Subsection 1 of section 19 of *The Mining Tax Act* is amended by adding thereto the following words:

“together with interest at the rate of ten per cent. per annum compounded yearly, and such costs of the application as may be allowed by the judge.”

Rev. Stat.
c. 28, s. 19,
subs. 2,
amended.

(2) Section 19 of *The Mining Tax Act* is amended by adding thereto the following subsection:

Vesting
Order when
deceased
delinquent
co-owner
has no repre-
sentative.

(4) In the event of letters of administration or letters probate not having issued by a surrogate court of the Province of Ontario to the estate of a deceased co-owner at the time of any application made pursuant to the provisions of this section, the Judge of the Mining Court may appoint the Public Trustee to represent the estate of such deceased co-owner, and notwithstanding the provisions of *The Devolution of Estates Act* or any other statute in that behalf, an order may be made by the Judge of the Mining Court vesting the interests of the delinquent co-owner or co-owners in the co-owner or co-owners who have paid such taxes, and the same shall be valid and binding upon all beneficiaries or other persons interested in such estate.

Rev. Stat.
c. 148.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Mining Tax Act.

1st Reading

March 13th, 1931

2nd Reading

March 16th, 1931

3rd Reading

March 31st, 1931

MR. McCREA

No. 122

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Workmen's Compensation Act.

MR. MCCREA

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 122

1931

BILL

At Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Workmen's Compensation Act, 1931*.

Rev. Stat.,
c. 179,
sched. 3,
amended.

2. Schedule 3 to *The Workmen's Compensation Act* is amended by striking out the words "Miner's Phthisis" in the first column, and the word "Mining" in the second column.

Commence-
ment of Act.

3. This Act shall come into force on the 1st day of January, 1932.

EXPLANATORY NOTES

Section 2. Under the "silicosis" provisions of the *Workmen's Compensation Act*, section 113, full provision is made for miner's phthisis, and it is now unnecessary to retain it in the classification schedule as a separate disease.

Section 3. This delay will permit pending cases, if any, and possible applications meantime arising, to be dealt with.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 13th, 1931

2nd Reading

3rd Reading

MR. MCCREA

No. 122

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Workmen's Compensation Act.

MR. MCCREA

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 122

1931

BILL

At Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Workmen's Compensation Act, 1931*.

Rev. Stat.,
c. 179,
sched. 3,
amended.

2. Schedule 3 to *The Workmen's Compensation Act* is amended by striking out the words "Miners' Phthisis" in the first column, and the word "Mining" in the second column.

Commence-
ment of Act.

3. This Act shall come into force on the 1st day of January, 1932.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 13th, 1931

2nd Reading

March 16th, 1931

3rd Reading

March 23rd, 1931

MR. MCCREA

No. 123

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Local Improvement Act.

MR. MCBRIEN

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 235, s. 1,
amended.

1. Section 1 of *The Local Improvement Act* is amended by adding thereto the following clause:

"Opening."

(nn) "Opening" shall include any work necessary to be done on a street proposed to be opened to make the same suitable for traffic.

Rev. Stat.,
c. 235, s. 1,
cl. w,
amended.

2. Clause (w) of section 1 of *The Local Improvement Act* is amended by adding at the end thereof the words "and a new street."

Rev. Stat.,
c. 235, s. 2,
subs. 1, cl. a,
amended.

3. Clause (a) of subsection 1 of section 2 of *The Local Improvement Act* is amended by inserting after the word "opening" in the first line the word "establishing."

Rev. Stat.,
c. 235, s. 2,
subs. 1, cl. b,
repealed.

4. Clause (b) of subsection 1 of section 2 of *The Local Improvement Act* is repealed.

Rev. Stat.,
c. 235, s. 2,
amended.

5. Section 2 of *The Local Improvement Act* is amended by adding thereto the following subsection:

Whenseveral
works may
be under-
taken as one
work.

(3) Any number of works of the character or descriptions hereinbefore mentioned may be undertaken together as one work if the land or lots liable to be specially assessed for the cost of any of such works are the same as the lands or lots liable to be assessed for the cost of the other or others of such works.

Rev. Stat.,
c. 235, s. 8,
subs. 1,
amended.

6. Subsection 1 of section 8 of *The Local Improvement Act* is amended by inserting the word "establishing" after the word "opening" in the fifth line thereof.

EXPLANATORY NOTES

Section 1. The amendment is intended to simplify the procedure where it is proposed to open a new street.

At the present time the work has to be done in two stages, first by the acquisition of land and the opening of it as a street and after it has been thus opened the next step is to proceed with the grading of the new street as a separate work.

The amendment will enable the opening of the new street and the grading of it to be done as one work.

Sections 2, 3, 4, 6, 7, 8 and 9. The object of the amendments contained in these sections is to enable the municipality under section 8 of *The Local Improvement Act* to undertake the opening or establishing of a new street under a by-law passed by a vote of two-thirds of the council, and where proper, to provide that part of the cost may be assessed against an area benefited.

The recent decision of the Municipal Board and of the Appellate Division of the Supreme Court in connection with the Jarvis Street extension scheme at Toronto makes it doubtful that the provisions of sections 8 and 29 of *The Local Improvement Act* cover the opening or establishing of a new street although confirmation of the Municipal Board's decision by the Appellate Court is only by reason of an equal division of opinion of the judges constituting the Second Appellate Division.

Section 5. Under the present Act even if two or three local improvement works are to be constructed on a street simultaneously or consecutively as part of the general plan for improvement of that street and the lands to be assessed therefor are the same in each case, it is necessary to have separate by-laws and proceedings throughout for each work. The amendment is intended to overcome the complications and unnecessary expense thereby involved by providing that all such works may be undertaken under one by-law.

Rev. Stat.,
c. 235, s. 29,
subs. 1,
amended. **7.** Subsection 1 of section 29 of *The Local Improvement Act* is amended by inserting the word "establishing" after the word "opening" in the fifth line thereof.

Rev. Stat.,
c. 235, s. 19,
amended. **8.** Section 19 of *The Local Improvement Act* is amended by inserting the word "opening" before the word "establishing" in the first line thereof.

Rev. Stat.,
c. 235, s. 40,
subs. 1,
amended. **9.** Subsection 1 of section 40 of *The Local Improvement Act* is amended by inserting the word "establishing" after the word "opening" in the fifth line thereof.

Commence-
ment of Act. **10.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Local Improvement
Act.

1st Reading

March 16th, 1931

2nd Reading

3rd Reading

MR. MCBRIEN

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Public Service Act.

MR. HENRY (York East)

BILL

An Act to amend The Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Service Act, 1931*.

Rev. Stat.
c. 16, s. 6,
amended.

2. Subsection 1 of section 6 of *The Public Service Act* is amended by adding thereto the following clause:

Leave of
absence.

(f) For the fixing of leave of absence on account of illness or other cause.

Rev. Stat.
c. 16, s. 9,
subs. 1,
repealed.

3. Subsection 1 of section 9 of *The Public Service Act* is repealed and the following substituted therefor:

Deputy
heads.

(1) The Lieutenant-Governor in Council may designate the official who shall be the deputy head in any Department of the Government, and fix his duties and powers.

Rev. Stat.
c. 16, s. 9,
subss. 3, 4, 5,
repealed.

4. Subsections 3, 4, and 5 of section 9 of *The Public Service Act* are repealed.

Rev. Stat.
c. 16, s. 16,
repealed.

5. Section 16 of *The Public Service Act* is repealed.

Rev. Stat.
c. 16, s. 17,
repealed.

6. Section 17 of *The Public Service Act* is repealed.

Rev. Stat.
c. 16, s. 28,
amended.

7. Section 28 of *The Public Service Act* is amended by striking out all the words after the word "offices" in the second line, and by adding thereto the following words "in the public service," so that the section will now read as follows:

Application
of Part.

28. This Part shall apply to all departments, branches, and offices in the public service.

Rev. Stat.
c. 16, s. 30,
amended.

8. Section 30 of *The Public Service Act* is amended by adding thereto the following subsections:

EXPLANATORY NOTES

Section 2. The purpose of this proposed amendment is to give authority to the Lieutenant-Governor in Council to make regulations respecting leave of absence.

Section 3. The proposed amendment enables the Lieutenant-Governor in Council to designate the officials who shall be deputy heads, and to fix their duties and powers.

Section 4. These subsections are unnecessary in view of the proposed amendment under section 3.

Section 5. Section 16 is unnecessary in view of the proposed amendment under section 2.

Section 6. Section 17 is obsolete.

Section 7. The proposed amendment more adequately expresses the spirit and the intention of the Act. It is also necessary in view of the proposed amendment under section 3.

Section 8. The proposed amendment provides for the investment of the Superannuation Fund in bonds of the Province of Ontario or other securities guaranteed by the Province, for the keeping of the records and the accounts, and for the auditing of the Fund.

Treasurer
to be
custodian
of Fund.

- (2) The Treasurer of Ontario shall be the custodian of the Fund.

Investment
of Fund.

- (3) The Fund, less such amount or amounts as shall be necessary to meet the current expenditures, shall by resolution of the Board be invested by the Treasurer of Ontario in bonds of the Province of Ontario or other securities guaranteed by the Province of Ontario, and such securities shall be set apart and ear-marked for the Fund.

Records.

- (4) Records shall be kept by the Department of the Provincial Treasurer showing a separate account for each contributor to the Fund and for each beneficiary.

Audit.

- (5) The Fund and the accounts of the Fund shall be audited and the securities examined and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report and prepare and furnish such other statements to the Treasurer of Ontario and to the Board as may be requested from time to time.

Rev. Stat.
c. 16, s. 36,
amended.

9. Section 36 of *The Public Service Act* is amended by adding thereto the following subsections:

Return of
contri-
butions
where
employee
dismissed.

- (2) Where an employee is dismissed from the public service his contributions to the Fund may be returned to him, but where such employee is indebted to the Government payment of the amount owing shall be deducted from any refund to which he may be entitled.

Refund
owing to
change in
percentage
of deduction.

- (3) Where, owing to change in percentage of deduction, an employee has contributed more than the proper assessment to the Fund, or where other adjustment is necessary, the Board shall have power to make the proper refund.

Rev. Stat.
c. 16, s. 44,
subs. 1,
amended.

10.—(1) Subsection 1 of section 44 of *The Public Service Act* is amended by striking out the words "except as provided in subsection 3 of this section and" at the commencement, and the words "and the adoption by the Lieutenant-Governor in Council of the report of the Board fixing his superannuation or retiring allowance" in the seventh, eighth and ninth lines, so that the subsection will now read as follows:

Section 9. The proposed changes are to enable the Board to make refund of contributions where an employee is dismissed or other adjustment is necessary.

Section 10. (1) The purpose of this proposed amendment is to establish compulsory superannuation at the age of 70.

Compulsory
retirement
at seventy
years of age.

- (1) Subject to the provisions of sections 54 and 55, and notwithstanding anything contained in any Act relating to any department, branch or office in the public service or in any other Act of this Legislature, every employee, no matter by what tenure he holds office, shall cease to hold office upon attaining the age of seventy years.

Rev. Stat.
c. 16, s. 44,
subs. 3,
repealed.

- (2) Subsection 3 of the said section 44 is repealed.

Rev. Stat.
c. 16, s. 46,
repealed.

- 11.** Section 46 of *The Public Service Act* is repealed.

Rev. Stat.
c. 16,
amended.

- 12.** *The Public Service Act* is amended by adding thereto the following section:

Temporary
employment
in advisory
capacity
after attain-
ing age
limit.

63. Nothing in this Act shall prevent a superannuate who has been retired on account of having attained the age of seventy years and who possesses expert, technical or professional knowledge which the Government desires to have at its disposal, from being retained temporarily, upon approval by the Lieutenant-Governor in Council, in an advisory or consulting capacity, at a salary not greater than that received immediately prior to retirement, but such person shall cease to be an employee within the meaning of this Act and to be a contributor to the Fund and his retiring allowance shall be deducted from the remuneration paid to him during such temporary employment.

Commence-
ment of Act.

- 13.** This Act shall come into force on the day upon which it receives the Royal Assent.

(2) Repeal of subsection 3 of section 44 is necessary in view of the proposed amendment to subsection 1.

Section 11. Section 46 is now obsolete.

Section 12. This section makes provision for the retention temporarily beyond the age of 70, of persons possessing expert, technical or professional knowledge.

BILL

An Act to amend The Public Service
Act.

1st Reading

March 17th, 1931

2nd Reading

3rd Reading

MR. HENRY (York East)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Public Service Act.

MR. HENRY (York East)

BILL

An Act to amend The Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Service Act, 1931*.

Rev. Stat.
c. 16, s. 6,
amended.

2. Subsection 1 of section 6 of *The Public Service Act* is amended by adding thereto the following clause:

Leave of
absence.

(f) For the fixing of leave of absence on account of illness or other cause.

Rev. Stat.
c. 16, s. 9,
subs. 1,
repealed.

3. Subsection 1 of section 9 of *The Public Service Act* is repealed and the following substituted therefor:

Deputy
heads.

(1) The Lieutenant-Governor in Council may designate the official who shall be the deputy head in any Department of the Government, and fix his duties and powers.

Rev. Stat.
c. 16, s. 9,
subss. 3, 4, 5,
repealed.

4. Subsections 3, 4, and 5 of section 9 of *The Public Service Act* are repealed.

Rev. Stat.
c. 16, s. 16,
repealed.

5. Section 16 of *The Public Service Act* is repealed.

Rev. Stat.
c. 16, s. 17,
repealed.

6. Section 17 of *The Public Service Act* is repealed.

Rev. Stat.
c. 16, s. 28,
amended.

7. Section 28 of *The Public Service Act* is amended by striking out all the words after the word "offices" in the second line, and by adding thereto the following words "in the public service," so that the section will now read as follows:

Application
of Part.

28. This Part shall apply to all departments, branches, and offices in the public service.

Rev. Stat.
c. 16, s. 30,
amended.

8. Section 30 of *The Public Service Act* is amended by adding thereto the following subsections:

- (2) The Treasurer of Ontario shall be the custodian of the Fund. Treasurer to be custodian of Fund.
- (3) The Fund, less such amount or amounts as shall be necessary to meet the current expenditures, shall by resolution of the Board be invested by the Treasurer of Ontario in bonds of the Province of Ontario or other securities guaranteed by the Province of Ontario, and such securities shall be set apart and ear-marked for the Fund. Investment of Fund.
- (4) Records shall be kept by the Department of the Provincial Treasurer showing a separate account for each contributor to the Fund and for each beneficiary. Records.
- (5) The Fund and the accounts of the Fund shall be audited and the securities examined and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report and prepare and furnish such other statements to the Treasurer of Ontario and to the Board as may be requested from time to time. Audit.

9. Section 36 of *The Public Service Act* is amended by adding thereto the following subsections: Rev. Stat. c. 16, s. 36, amended.

- (2) Where an employee is dismissed from the public service his contributions to the Fund may be returned to him, but where such employee is indebted to the Government payment of the amount owing shall be deducted from any refund to which he may be entitled. Return of contributions where employee dismissed.
- (3) Where, owing to change in percentage of deduction, an employee has contributed more than the proper assessment to the Fund, or where other adjustment is necessary, the Board shall have power to make the proper refund. Refund owing to change in percentage of deduction.

10.—(1) Subsection 1 of section 44 of *The Public Service Act* is amended by striking out the words "except as provided in subsection 3 of this section and" at the commencement, and the words "and the adoption by the Lieutenant-Governor in Council of the report of the Board fixing his superannuation or retiring allowance" in the seventh, eighth and ninth lines, so that the subsection will now read as follows: Rev. Stat. c. 16, s. 44, subs. 1, amended.

Compulsory
retirement
at seventy
years of age.

- (1) Subject to the provisions of sections 54 and 55, and notwithstanding anything contained in any Act relating to any department, branch or office in the public service or in any other Act of this Legislature, every employee, no matter by what tenure he holds office, shall cease to hold office upon attaining the age of seventy years.

Rev. Stat.
c. 16, s. 44,
subs. 3,
repealed.

- (2) Subsection 3 of the said section 44 is repealed.

Rev. Stat.
c. 16, s. 46,
repealed.

- 11.** Section 46 of *The Public Service Act* is repealed.

Rev. Stat.
c. 16,
amended.

- 12.** *The Public Service Act* is amended by adding thereto the following section:

Temporary
employment
after attain-
ing age
limit.

63. Nothing in this Act shall prevent a superannuate who has been retired on account of having attained the age of seventy years and who possesses expert, technical or professional knowledge which the Government desires to have at its disposal, from being retained temporarily, upon approval by the Lieutenant-Governor in Council, at a salary not greater than that received immediately prior to retirement, but such person shall cease to be an employee within the meaning of this Act and to be a contributor to the Fund and his retiring allowance shall be deducted from the remuneration paid to him during such temporary employment.

Commence-
ment of Act.

- 13.** This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Public Service
Act.

1st Reading

March 17th, 1931

2nd Reading

March 19th, 1931

3rd Reading

March 31st, 1931

MR. HENRY (York East)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Insurance Act.

MR. PRICE

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Insurance Act, 1931*.

Rev. Stat.,
c. 222, s. 1,
amended.

2. Section 1 of *The Insurance Act* is amended by adding thereto the following paragraphs:

"Paid in"—
meaning of.

43a. "Paid in," when applied to the capital stock of an insurer or to any shares thereof, means the amount paid to the insurer on its shares, not including the premium, if any, paid thereon, whether such shares are or are not fully paid;

"Paid up"—
meaning of.

43b. "Paid up," when applied to the capital stock of an insurer or to any shares thereof, means capital stock or shares on which there remains no liability, actual or contingent, to the issuing insurer.

Rev. Stat.,
c. 222, s. 16,
subs. 1,
amended.

3. Subsection 1 of section 16 of *The Insurance Act* is amended by striking out the word "verify" in the seventh line thereof, and substituting therefor the word "examine."

Annual
inspection
of insurers.

Rev. Stat.,
c. 222,
amended.

4. *The Insurance Act* is amended by adding thereto the following section:

Require-
ments where
automobile
policy issued
outside
Ontario.

24a. It shall be a condition of a license to carry on automobile insurance in Ontario, for breach of which such license may be cancelled, that, in any action or proceeding in Ontario against a licensed insurer, or its insured, arising out of a motor vehicle accident in Ontario, such insurer shall appear, and shall not set up any defence to a claim under a policy issued outside of Ontario which might not be set up if such policy were issued in Ontario, in accordance with the law of Ontario relating to motor vehicle liability policies.

EXPLANATORY NOTES

Section 2. The distinction between "paid in" capital and "paid up" capital requires to be made clear by definition. The proposed definitions are based on definitions in *The Loan and Trust Corporations Act*. A companion amendment is made to section 25 of the Act. See section 5.

Section 3. As the law now stands the Superintendent is required to visit the offices of licensed insurers at least annually and to *verify* the annual statements rendered to the Department. The word "verify" is too strong and imposes responsibilities which it was not intended the Department should assume. The word "examine" will make the duties intended to be imposed upon the Department more apparent.

Section 4. When an insured non-resident is involved in a motor vehicle accident in Ontario and the Ontario plaintiff desires to enter suit in Ontario sometimes the non-resident and the insurer do not appear and take the position that because the policy was issued outside Ontario the action must be tried in the province or state where the policy was issued, even though the insurer carries on business in Ontario. The purpose of the amendment is to facilitate an Ontario plaintiff recovering in the Ontario courts.

Rev. Stat.,
c. 222, s. 25,
amended.
Joint stock
companies,
etc.

5. Section 25 of *The Insurance Act* is amended by striking out the words "paid up" wherever they appear therein and substituting therefor the words "paid in."

Rev. Stat.,
c. 222, s. 70,
subs. 5,
amended.

6. Subsection 5 of section 70 of *The Insurance Act* is amended by striking out the words "other than purely mutual corporations insuring only risks other than mercantile and manufacturing on the premium note plan" in the second, third, fourth and fifth lines.

Unearned
premium
liability.

Rev. Stat.,
c. 222,
amended.

7. *The Insurance Act* is amended by adding thereto the following section:

Right of
claimant
against
insurer
where
execution
against
insured
returned
unsatisfied.

85.—(1) Where a person incurs liability for injury or damage to the person or property of another, and is insured against such liability, and fails to satisfy a judgment awarding damages against him in respect of his liability, and an execution against him in respect thereof is returned unsatisfied, the person entitled to the damages may recover by action against the insurer the amount of the judgment up to the face value of the policy, but subject to the same equities as the insurer would have if the judgment had been satisfied.

Exception.

(2) This section shall not apply to motor vehicle liability policies.

Rev. Stat.,
c. 222, s. 103,
amended.

8. Section 103 of *The Insurance Act* is amended by adding thereto the following subsections:

Insurance on
premium
note plan.

(2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance.

Application
of
ss. 104-118.

(3) Sections 104 to 118 shall apply only to contracts made in Ontario.

Rev. Stat.,
c. 222,
amended.

9. *The Insurance Act* is amended by adding thereto the following section:

Written
application
required.

106a.—(1) No insurer shall make a contract on the premium note plan covering agricultural property, for a term exceeding twelve months, without a written application therefor signed by the applicant, or, in case of the absence of the applicant or his inability to make the application, by his agent other than the agent of the insurer, or by a person having an insurable interest in the property.

Section 5. The word "paid up" referring to the capital stock of insurance companies appears in section 25 in error for the word "paid in." See proposed definitions in section 2.

Section 6. This provision relates to the form of annual statement which insurers file annually with the Department and to the manner in which their liability for premiums not fully earned at the end of the calendar year shall be shown. The amendment is to require mutual corporations to show their unearned premium liability in the same manner as all other insurers.

Section 7. Prior to September 1st, 1930, a section comparable to the proposed section 85 appeared in *The Insurance Act* under the same number — section 85 (1). It was repealed last session (1930, c. 41, s. 6) because of the amendments to *The Highway Traffic Act* and the insertion therein of a provision relating to motor vehicle liability policies comparable to old section 85 (1). See 1930, c. 47, s. 6. It now seems desirable to revive, in respect of liability policies other than motor vehicle liability policies, the rights of judgment creditors against insurers.

Section 8. There are no provisions in the Act respecting insurance on the premium note plan except those governing fire, livestock and weather insurance. It is desirable to make it clear that other classes of insurance may not be transacted on this plan.

Sections 104 to 118 relate to premium notes and assessments. Within the past six months two extra-provincial mutual corporations have commenced carrying on business in Ontario. The question arises as to the application of these sections to their business and it is desirable to make it clear that they apply only to their Ontario business.

Section 9. This amendment relates to the insurance of agricultural property on the premium note plan by mutual fire insurance corporations. Presently most corporations require a written application but these applications lack uniformity and omit much essential information. The amendment would require all such corporations to procure a written application and prescribes its minimum contents.

Contents of
application.

- (2) Every written application shall set forth the name, address and occupation of the applicant, the description, location and occupancy of the property to be insured, its value, particulars of any mortgage, lien or other encumbrance thereon, the purpose for which and the location in which any moveable property is deposited or used, particulars of any claims made by the applicant in respect of insured loss or damage by fire, whether any insurer has cancelled any fire insurance policy of, or refused fire insurance to the applicant, particulars of any other fire insurance on the same property, and such other information as the insurer or the Superintendent may require.

Rev. Stat.,
c. 222, s. 139,
subs. 1,
repealed.

10. Subsection 1 of section 139 of *The Insurance Act* is repealed and the following substituted therefor:

Sum;
insurable at
age less
than ten.

- (1) No insurer shall insure the life of a child under ten years of age in any sum, or pay on the death of a child under ten years of age any sum, which alone or together with any sum payable on the death of the child by any other insurer exceeds the following sums respectively:

\$100 if the child dies under the age of 1 year.
200 if the child dies under the age of 2 years.
300 if the child dies under the age of 3 years.
400 if the child dies under the age of 4 years.
500 if the child dies under the age of 5 years.
600 if the child dies under the age of 6 years.
700 if the child dies under the age of 7 years.
800 if the child dies under the age of 8 years.
900 if the child dies under the age of 9 years.
1000 if the child dies under the age of 10 years.

Rev. Stat.,
c. 222, s. 184,
amended.

11.—(1) Section 184 of *The Insurance Act* is amended by adding thereto the following subsection:

Provisions
governing
accident
insurance
contracts.

- (2a) Subject to the provisions of subsection 2, contracts insuring against death by accident and not against death from other causes, shall be deemed to be accident insurance contracts within the meaning of this Part and not life insurance contracts within the meaning of Part V.

Application
of ss. 122,
133-138,
and 161.

(2) Subsection 4 of section 184 of *The Insurance Act* is amended by adding after the figures "161" the following words "and no other provisions contained in Part V."

Section 10. This is an amendment to *The Uniform Life Insurance Act* which is in force uniformly in every province of Canada except Quebec. As the Act now stands it limits the sums insurable on the lives of children at age less than ten to a scale of from \$20 to \$400, according to the age of the child. The amendment would alter the scale to increase the limits to from \$100 to \$1,000.

The amendment is recommended by the Association of Superintendents of Insurance of the Provinces of Canada and is expected to be passed by all provinces this session. It has already passed in Saskatchewan and been introduced in Alberta and Nova Scotia.

Section 11. These amendments relate to accident and sickness insurance. As the law now stands some question has been raised as to the application of the provisions of the Act relating to life insurance (Part V) to policies insuring against death by accident which might be regarded as a form of life insurance. The amendment is designed to remove this uncertainty and to make it clear that accident insurance contracts are subject to the law expressly relating thereto (Part VII) and not to the law relating to life insurance, except as provided in subsection 4 of section 184, wherein certain enumerated provisions of Part V are declared to apply to accident insurance contracts.

Rev. Stat.,
c. 222, s. 192,
repealed.

12. Section 192 of *The Insurance Act* is repealed.

Rev. Stat.,
c. 222, s. 256,
subs. 8,
amended.

13.—(1) Subsection 8 of section 256 of *The Insurance Act* is amended by adding at the end thereof the following words:

Revocation.

“or (e) has employed upon salary or otherwise any person whose application for license as an insurance agent has been refused or whose license has been revoked or suspended under this Part without having first obtained the written approval of the Superintendent.”

Rev. Stat.,
c. 222, s. 256,
amended.

(2) Section 256 of *The Insurance Act* is amended by adding thereto the following subsection:

Authority of
life insurance
agents.

(12a) No life insurance agent shall be licensed to act as agent for more than one insurer transacting life insurance, and the name of such insurer shall be specified in the license, and no such agent shall represent himself to the public by advertisement or otherwise as the agent of more than one such insurer; provided that, where such an agent is unable to negotiate insurance on behalf of an applicant for insurance with the insurer for which he is the authorized agent, such agent shall have the right to procure such insurance from another insurer if such other insurer obtains in each case the consent in writing of the insurer for which such agent is the authorized agent, and files a copy of such consent with the Superintendent.

Commence-
ment of Act.

14. This Act, except section 9 shall come into force on the day upon which it receives the Royal Assent, and section 9 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Section 12. Section 192 authorizes variations in the statutory conditions relating to accident and sickness insurance. It is no longer necessary.

Section 13.—(1) This amendment would authorize the revocation of the license of an insurance agent for the additional reason set out in the new clause "(e.)" Considerable difficulty has been experienced in the administration of the Act by licensed agents employing on salary persons whose licenses have been cancelled for cause. Frequently the Act is defeated by a person whose license is cancelled immediately becoming an employee of another agent and continuing to carry on business.

(2) The new subsection 12a is intended to remove the restrictions presently imposed upon life insurance agents who are not now authorized to place business with insurers other than their own. The amendment would make it possible for them to place business with other insurers with the written consent of their own insurer.

Section 14. It is recommended that the amendment to *The Uniform Life Insurance Act* (section 10) increasing the sums insurable on the lives of children of less than ten years of age be declared to be effective on proclamation only, in order that all provinces may agree to bring the amendment into force on the same date.

BILL

An Act to amend The Insurance Act.

1st Reading

March 18th, 1931

2nd Reading

3rd Reading

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Insurance Act.

MR. PRICE

No. 125

1931

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Insurance Act, 1931*.

Rev. Stat.,
c. 222, s. 1,
amended.

2. Section 1 of *The Insurance Act* is amended by adding thereto the following paragraphs:

"Paid in"—
meaning of.

43a. "Paid in," when applied to the capital stock of an insurer or to any shares thereof, means the amount paid to the insurer on its shares, not including the premium, if any, paid thereon, whether such shares are or are not fully paid;

"Paid up"—
meaning of.

43b. "Paid up," when applied to the capital stock of an insurer or to any shares thereof, means capital stock or shares on which there remains no liability, actual or contingent, to the issuing insurer.

Rev. Stat.,
c. 222, s. 16,
subs. 1,
amended.

3. Subsection 1 of section 16 of *The Insurance Act* as amended by section 5 of *The Insurance Act, 1929*, is further amended by striking out the word "verify" in the fifth line thereof, and substituting therefor the word "examine."

Annual
inspection
of insurers.

Rev. Stat.,
c. 222,
amended.

4. *The Insurance Act* is amended by adding thereto the following section:

Require-
ments where
automobile
policy issued
outside
Ontario.

24a. It shall be a condition of a license to carry on automobile insurance in Ontario, for breach of which such license may be cancelled, that, in any action or proceeding in Ontario against a licensed insurer, or its insured, arising out of a motor vehicle accident in Ontario, such insurer shall appear, and shall not set up any defence to a claim under a policy issued outside of Ontario which might not be set up if such policy were issued in Ontario, in accordance with the law of Ontario relating to motor vehicle liability policies.

5. Section 25 of *The Insurance Act* is amended by striking out the words "paid up" wherever they appear therein and substituting therefor the words "paid in."

Rev. Stat.,
c. 222, s. 25,
amended.
Joint stock
companies,
etc.

6. Subsection 5 of section 70 of *The Insurance Act* is amended by striking out the words "other than purely mutual corporations insuring only risks other than mercantile and manufacturing on the premium note plan" in the second, third, fourth and fifth lines.

Rev. Stat.,
c. 222, s. 70,
subs. 5,
amended.
Unearned
premium
liability.

7. *The Insurance Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 222, s. 70,
amended.

85.—(1) Where a person incurs liability for injury or damage to the person or property of another, and is insured against such liability, and fails to satisfy a judgment awarding damages against him in respect of his liability, and an execution against him in respect thereof is returned unsatisfied, the person entitled to the damages may recover by action against the insurer the amount of the judgment up to the face value of the policy, but subject to the same equities as the insurer would have if the judgment had been satisfied.

Right of
claimant
against
insurer
where
execution
against
insured
returned
unsatisfied.

(2) This section shall not apply to motor vehicle liability policies.

Exception.

8. Section 103 of *The Insurance Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 222, s. 103,
amended.

(2) No licensed insurer shall carry on, on the premium note plan, any class of insurance other than fire, livestock and weather insurance.

Insurance on
premium
note plan.

(3) Sections 104 to 118 shall apply only to contracts made in Ontario.

Application
of
ss. 104-118.

9. *The Insurance Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 222,
amended.

106a.—(1) No insurer shall make a contract on the premium note plan covering agricultural property, for a term exceeding twelve months, without a written application therefor signed by the applicant, or, in case of the absence of the applicant or his inability to make the application, by his agent other than the agent of the insurer, or by a person having an insurable interest in the property.

Written
application
required.

Contents of
application.

- (2) Every written application shall set forth the name, address and occupation of the applicant, the description, location and occupancy of the property to be insured, its value, particulars of any mortgage, lien or other encumbrance thereon, the purpose for which and the location in which any moveable property is deposited or used, particulars of any claims made by the applicant in respect of insured loss or damage by fire, whether any insurer has cancelled any fire insurance policy of, or refused fire insurance to the applicant, particulars of any other fire insurance on the same property, and such other information as the insurer or the Superintendent may require.

Rev. Stat.,
c. 222, s. 139,
subs. 1,
repealed.

10. Subsection 1 of section 139 of *The Insurance Act* is repealed and the following substituted therefor:

Sums
insurable at
age less
than ten.

- (1) No insurer shall insure the life of a child under ten years of age in any sum, or pay on the death of a child under ten years of age any sum, which alone or together with any sum payable on the death of the child by any other insurer exceeds the following sums respectively:

\$100 if the child dies under the age of 1 year.
200 if the child dies under the age of 2 years.
300 if the child dies under the age of 3 years.
400 if the child dies under the age of 4 years.
500 if the child dies under the age of 5 years.
600 if the child dies under the age of 6 years.
700 if the child dies under the age of 7 years.
800 if the child dies under the age of 8 years.
900 if the child dies under the age of 9 years.
1000 if the child dies under the age of 10 years.

Rev. Stat.,
c. 222, s. 184,
amended.

11.—(1) Section 184 of *The Insurance Act* is amended by adding thereto the following subsection:

Provisions
governing
accident
insurance
contracts.

- (2a) Subject to the provisions of subsection 2, contracts insuring against death by accident and not against death from other causes, shall be deemed to be accident insurance contracts within the meaning of this Part and not life insurance contracts within the meaning of Part V.

Rev. Stat.,
c. 222, s. 184,
subs. 4
(1928,
c. 35, s. 4),
amended.
Application
of ss. 122,
133-138,
and 161.

(2) Subsection 4 of section 184 of *The Insurance Act* as enacted by section 4 of *The Insurance Act, 1928*, is amended by adding after the figures "161" the following words "and no other provisions contained in Part V."

12.—(1) Subsection 8 of section 256 of *The Insurance Act* is amended by adding at the end thereof the following words: Rev. Stat., c. 222, s. 256, subs. 8, amended.

“or (e) has employed upon salary or otherwise any person whose application for license as an insurance agent has been refused or whose license has been revoked or suspended under this Part without having first obtained the written approval of the Superintendent.” Revocation.

(2) Section 256 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 222, s. 256, amended.

(12a) No life insurance agent shall be licensed to act as agent for more than one insurer transacting life insurance, and the name of such insurer shall be specified in the license, and no such agent shall represent himself to the public by advertisement or otherwise as the agent of more than one such insurer; provided that, where such an agent is unable to negotiate insurance on behalf of an applicant for insurance with the insurer for which he is the authorized agent, such agent shall have the right to procure such insurance from another insurer if such other insurer obtains in each case the consent in writing of the insurer for which such agent is the authorized agent, and files a copy of such consent with the Superintendent. Authority of life insurance agents.

13. This Act, except section 10 shall come into force on the day upon which it receives the Royal Assent, and section 10 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

BILL

An Act to amend The Insurance Act.

1st Reading

March 18th, 1931

2nd Reading

March 23rd, 1931

3rd Reading

March 31st, 1931

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Municipal Act.

MR. MACAULAY

No. 126

1931

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 233, s. 53,
subs. 1, cl. *r*,
repealed.

1. Clause *r* of subsection 1 of section 53 of *The Municipal Act* is repealed and the following substituted therefor:

Unpaid
taxes and
exception.

(*r*) A person whose taxes at the time of the election are overdue and unpaid, but this clause shall not apply to a person who is a tenant and qualifies as a householder if such overdue and unpaid taxes as between him and his landlord are taxes the latter ought to pay.

Rev. Stat.,
c. 233, s. 56,
subs. 1,
amended.

2.—(1) Clause *d* of subsection 1 of section 56 of *The Municipal Act* is amended by inserting the words “or farmer’s daughter” after the word “son” in the seventh line.

Rev. Stat.,
c. 233, s. 56,
subs. 6,
amended.

(2) Subsection 6 of said section 56 is amended by inserting the words “or farmer’s daughter” after the word “son” in the third line, by inserting the words “or she” after the word “he” in the fourth line, by inserting the words “or a farmer’s daughter” after the word “son” in the fifth line, and by inserting the words “or her” after the word “his” in the sixth line.

Rev. Stat.,
c. 233, s. 56,
subs. 7,
amended.

(3) Subsection 7 of said section 56 is further amended by inserting the words “or farmer’s daughter” after the word “son” in the third line.

Rev. Stat.,
c. 233, s. 57,
repealed.

3. Section 57 of *The Municipal Act* is repealed and the following substituted therefor:

57. Subject to sections 60, 61 and 62, every person whose name is entered on the proper voters’ list shall be entitled to vote at a municipal election, except that in the case of the wife or husband of a tenant she or he shall not be entitled to vote unless the tenant is

EXPLANATORY NOTES

Section 1. The purpose of this amendment is to enable the tenant to qualify for council notwithstanding that his landlord has not paid the taxes on the house which he occupies.

Section 2. This amendment with corresponding amendments proposed to be made to *The Assessment Act* is to give farmers' daughters a vote for municipal elections.

Section 3. The object of repealing and re-enacting this section is to enable tenants and income tax payers to vote in the municipality in which they are assessed notwithstanding that they reside elsewhere, and also to enable a farmer's daughter to vote. Under the present Act the persons mentioned are not entitled to vote.

a resident of the municipality at the date of and has resided therein for one month next before the election and in the case of a farmer's son or farmer's daughter, he or she is a resident of the municipality at the date of the election.

Rev. Stat.,
c. 233, s. 58,
repealed.

4. Section 58 of *The Municipal Act* is repealed and the following substituted therefor:

Qualifica-
tions not
to be
questioned
at election
except as to
non-
residence.

58. Except as to the disqualification arising from not residing in the municipality at the time of the election in the case of a farmer's son or farmer's daughter voter, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters list, no question as to the qualifications of any person whose name is entered on the proper list of voters shall be raised at an election.

Rev. Stat.,
c. 233, s. 274,
subs. 1,
amended.

5. Subsection 1 of section 274 of *The Municipal Act* is amended by adding thereto the following clause:

(bb) farmer's daughter.

Rev. Stat.,
c. 233, s. 297,
subs. 2, cl. f,
repealed.

6. Clause *f* of subsection 2 of section 297 of *The Municipal Act* is repealed and the following substituted therefor:

(f) By the council of any municipality with the approval of the Municipal Board for borrowing such sum or sums as may be required to pay or defray the cost or share of the cost of any work or improvement which by the terms of any order of the Board of Railway Commissioners of Canada or of the Municipal Board the municipality is or has been authorized or required to undertake or pay, or of any work or improvement which in the opinion of the Municipal Board is or has been rendered necessary or expedient owing to the construction of any work or improvement ordered by either of the said boards; but where any such work or improvement is or has been merely authorized but not required to be undertaken by the municipality no sum or sums may be borrowed hereunder unless before the work was undertaken with the approval of the Municipal Board.

Rev. Stat.,
c. 233, s. 335,
amended.

7. Section 335 of *The Municipal Act* is amended by adding at the end thereof the following words:

"and to borrow from time to time by the issue and sale of debentures such sum as may be necessary to repay such advances."

Section 4. This section requires to be amended to conform with the changes covered by the foregoing sections 2 and 3.

Section 5. This is to conform with the changes covered by section 2.

Section 6. This amendment is to clear up certain obscurities in present clause *f*, and also to provide that municipalities may not undertake works, such as subways, under permissive orders without first obtaining the sanction of the Municipal Board.

Under the present Act a municipal council without reference to the ratepayers or to any Board can undertake extensive and costly works merely by securing a permissive order from the Dominion Railway Board.

One of the objects of the amendment is to put a check on this practice.

Section 7. The amendment is to clarify the intent of section 335 as it is doubtful whether when temporary advances have been obtained there is sufficient authority to repay same.

Rev. Stat.,
c. 233, s. 399,
par. 16,
repealed.

8. Paragraph 16 of section 399 of *The Municipal Act* is repealed and the following substituted therefor:

Purchase of
fire hall site,
etc.

16. For acquiring land for and erecting thereon a fire hall and for purchasing and installing fire engines, apparatus and appliances for fire-fighting and fire protection at a cost not exceeding \$20,000, and for the issue of debentures therefor payable in equal annual instalments of principal and interest during a period not exceeding ten years.

(a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a vote of two-thirds of all the members of the council.

(b) No by-law shall be passed under the authority of this paragraph while any debentures issued under a by-law previously passed thereunder are outstanding and unpaid unless the approval of the Municipal Board is obtained.

Rev. Stat.,
c. 233, s. 409,
amended.

9. Section 409 of *The Municipal Act* is amended by adding thereto the following paragraph:

Establish-
ment of
county
farms.

9. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It shall not be necessary to obtain the assent of the electors to any by-law passed under this paragraph if it is passed by a vote of two-thirds of all the members of the council.

(b) A county council which has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Department of Agriculture for such periods and upon such terms and conditions as from time to time may be agreed.

Section 8. Under the present Act fire engines and fire apparatus may be purchased at a cost not exceeding \$20,000 without a vote of the rate-payers and it is now proposed to authorize a council to buy a firehall site and erect a firehall thereon in the same manner.

Paragraph *b* is added to prevent a municipal council taking advantage of this section by passing a series of by-laws thereunder each for not more than \$20,000 and by such subterfuge avoiding a vote of the rate-payers or other approval.

Section 9. The purpose of this section is to enable county councils to assist in the development of agriculture through arrangement with the Minister.

Rev. Stat.,
c. 233, s. 399,
par. 43,
amended.

10. Paragraph 43 of section 399 of *The Municipal Act* is amended by inserting after the word "from" in the first line the words "soliciting or."

Rev. Stat.,
c. 233, s. 411,
par. 9,
amended.

11. Paragraph 9 of section 411 of *The Municipal Act* is amended by inserting after the words "wheeled vehicle" in the second line the words "other than a motor vehicle as defined in *The Highway Traffic Act*."

Rev. Stat.,
c. 233, s. 249,
par. 2,
amended.

12. Paragraph 2 of section 429 of *The Municipal Act* is amended by striking out the words "and other" in the fourth line and inserting in lieu thereof the words "public halls and all" so that the paragraph will now read as follows:

Amusement
places, etc.

2. For regulating and licensing, subject to the provisions of *The Theatres and Cinematographs Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving-picture shows, public halls, and all places of amusement, and for prohibiting the location of them or a particular class of them on land abutting on any highway or part of a highway to be named in the by-law and for revoking any license granted.

Rev. Stat.,
c. 233, s. 430,
amended.

13. Section 430 of *The Municipal Act* is amended by adding thereto the following paragraph:

Sale of
newspapers
on streets.

5. For licensing, regulating and governing persons selling newspapers upon any highway and for restricting the operations of such persons to a particular location upon a highway and for restricting the operations of such persons to the sale of daily and weekly newspapers only and for prohibiting the selling or offering for sale upon any highway of books, periodicals, magazines, pamphlets or other printed matter except daily and weekly newspapers, and for revoking any license granted.

Rev. Stat.,
c. 233, s. 431,
par. 2,
amended.

14. Paragraph 2 of section 431 of *The Municipal Act* is amended by striking out the words "vendors of newspapers" in the second line.

Commence-
ment of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 10. This amendment is to overcome decisions of police court magistrates who have held that where a traveller or tourist is merely solicited by boarding house and hotel runners, etc., he is not being importuned and experience establishes that it is almost impossible to prove that he has been importuned as distinguished from mere solicitation.

Section 11. The amendment is to avoid possible conflict with *The Highway Traffic Act*.

Section 12. The purpose of this amendment is to avoid the ambiguity of the use of the words "and other" in this paragraph, thereby casting doubt on the right of the municipality to license all places of amusement, public halls, etc.

Section 13. This new provision is added so that urban councils may obtain a better measure of control over the sale of newspapers, periodicals, etc., on streets. At the present time the only power possessed is to regulate juveniles selling newspapers.

BILL

An Act to amend The Municipal Act.

1st Reading

March 18th, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 127

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Assessment Act.

MR. MACAULAY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 127

1931

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Rev. Stat.,
c. 238, s. 24,
subs. 3,
amended.

1. Subsection 3 of section 24 of *The Assessment Act* is amended by adding the words "or farmer's daughter" after the word "son" and the word and letters "or 'F.D.'" in the eighth line of the paragraph thereof relating to column 5 of the assessment roll.

Rev. Stat.,
c. 238, s. 24,
subs. 6,
repealed.

2. Subsection 6 of section 24 of *The Assessment Act* is repealed and the following substituted therefor:

Variation
of roll in
cities and
towns.

(6) In a city or town the form may be varied so as to give any additional information required owing to changes in the boundaries of the municipality or other like causes, or so as to allow the same to be adapted to mechanical bookkeeping methods in the preparation of the roll, and columns may be omitted which are inapplicable to a city or town.

Rev. Stat.,
c. 238, s. 28,
subs. 1,
amended.

3.—(1) Subsection 1 of section 28 of *The Assessment Act* is amended by adding thereto the following clause:

"Farmer's
daughter."

(f) "Daughter," "daughters," "farmer's daughter" and "farmers' daughters" shall mean daughter or daughters, step-daughter or step-daughters of the full age of twenty-one years not otherwise entitled to be entered on the voters' list.

Rev. Stat.,
c. 238, s. 28,
subs. 2,
amended.

(2) Subsection 2 of said section 28 is amended by inserting the words "and daughters" after the word "sons" in the third line and by adding the words "or farmers' daughters, as the case may be" at the end of said subsection.

Rev. Stat.,
c. 238, s. 28,
subs. 3,
amended.

(3) Subsection 3 of said section 28 is amended by inserting the words "or daughter" after the word "son" in the third

EXPLANATORY NOTES

Section 1. This section and section 3 are to correspond with the proposed amendments to *The Municipal Act* for the purpose of giving farmers' daughters a vote at municipal elections.

Section 2. This amendment is to permit the making up of assessment rolls by means of book typewriters, etc., otherwise subsection 6 remains unchanged.

line and by inserting the words "or daughter" after the word "son" in the fourth line.

Rev. Stat.,
c. 238, s. 28,
amended. (4) The said section 28 is amended by adding thereto the following subsections:

Right of
daughter to
vote where
no sons.

(5a) Where a father or mother has no sons, the daughters, if any, shall for the purposes of subsections 4 or 5 be entitled to be entered on the roll as farmers' daughters in the same manner and to the same extent as the sons, if there had been sons, would have been entitled to be entered on the roll.

Right of
daughter to
vote where
sons also.

(5b) Where a father or mother has sons and daughters and the farm is assessed at an amount more than sufficient to entitle the father or mother and all the sons to be entered on the roll, but is not assessed for an amount sufficient to qualify also all such daughters to vote at a municipal election, so many of the daughters in the order mentioned for sons in subsection 4 as the amount at which the farm is assessed if equally divided between the father, mother and the sons and daughters would be sufficient to qualify shall be entitled to be entered on the roll as farmers' daughters.

Rev. Stat.,
c. 238, s. 28,
subs. 6,
amended.

(5) Subsection 6 of said section 28 is amended by inserting the words "or farmer's daughter" after the word "sons" in the third line.

Rev. Stat.,
c. 238, s. 48,
amended.

4. Section 48 of *The Assessment Act* is amended by inserting after the word "bridge" in the first line the words "or tunnel."

Rev. Stat.,
c. 238, s. 49,
amended.

5. Section 49 of *The Assessment Act* is amended by inserting after the word "bridge" in the first line the words "or tunnel."

Rev. Stat.,
c. 238,
amended.

6. *The Assessment Act* is amended by adding thereto the following section:

County
not to
include
income
assessment
in equaliza-
tion.

96a.—(1) Notwithstanding anything in this Act or any other special or general Act contained, income assessments of a local municipality forming part of a county shall not be included in any statement given to the county clerk, nor shall they be included in, but shall be excluded from, any valuation and equalization by a county council of rateable property in the county for any county purpose, and the ascertainment, imposition or levy by a county council of any rate for county purposes shall be made and raised upon and from the equalized assessment of real property and business assessments only in the county.

Sections 4 and 5. Are to provide with greater certainty that tunnels such as the new Windsor Tunnel, are assessable in the same manner as international bridges, etc.

Section 6. The purpose of this section is to declare that county equalization shall not include income assessments so that the county council is to fix its county rate requirements without regard to income.

. The amount directed by county councils to be levied in a local municipality, however, is to be levied in that municipality on the whole rateable assessment including income assessment.

Local municipality to levy county rates on all rateable property including income assessments.

- (2) When under this Act or any other special or general Act any rate is directed or required to be levied in a local municipality forming part of a county for county purposes, the same shall in the local municipality be calculated and levied upon and against the whole rateable property including assessments of income within such local municipality according to the last revised assessment roll thereof.

Rev. Stat., c. 238, s. 98, amended.

7. Section 98 of *The Assessment Act* is amended by adding thereto the following subsection:

Avoidance of double income taxation on removal.

- (4) If, notwithstanding his removal from the municipality any person is under the provisions of subsection 3 liable for rates levied in any year upon an assessment in respect of income, such person shall not in the municipality to which he has removed be liable for rates levied by such latter municipality in the same year upon an assessment in respect of income.

Rev. Stat., c. 238, s. 102, amended.

8. Section 102 of the said Act is amended by adding thereto the following subsection:

Variation of tax roll in cities and towns.

- (2a) In a city or town the form of the collector's roll may be varied so as to allow the same to be adapted to mechanical methods of accounting and book-keeping.

Rev. Stat., c. 238, Form 10, amended.

9. Form 10 of *The Assessment Act* is amended by striking out the figures "119" in the sixth line of the last paragraph and inserting in lieu thereof the figures "125."

Commencement of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 7. The purpose of this amendment is to avoid double income tax in one year where a person has moved from one municipality to another. The municipality from which the person has moved is to levy the tax having regard to the fact that in such cases the assessment has already been made.

Section 8. The purpose of this section is the same as that stated with respect to section 1.

Section 9. This amendment is merely to correct a clerical error which occurred when the Act was revised in 1927.

BILL

An Act to amend The Assessment Act.

1st Reading

March 18th, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 128

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Public Utilities Act.

MR. MACAULAY

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Utilities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Utilities Act, 1931*.

Rev. Stat.,
c. 249, s. 32,
repealed.

2. Section 32 of *The Public Utilities Act* is repealed and the following substituted therefor:

Disposal
of public
utility
undertaking
and
properties.

- 32.—(1) Subject to the provisions of subsections 4, 5 and 6 and notwithstanding the provisions of section 30, the corporation may free from any charge or lien, sell, lease or otherwise dispose of a public utility undertaking, or the whole or any part of the property, real or personal, acquired, held or used for or in connection with a public utility undertaking, which in the opinion of the council is no longer required for the purpose of the corporation or for the undertaking.

Application
of proceeds
of disposal.

- (2) The proceeds derived from any sale, lease or other disposition of such undertaking or property shall be applied in redemption and payment of any debentures of the corporation issued in respect to the public utility undertaking, or if there are no such debentures, then in case of sale or disposal of a portion only of such property the proceeds thereof shall be applied for the undertaking in connection with which the property was held or used and in case of sale or disposal of the whole of such property or of the undertaking the proceeds thereof shall form part of the general funds of the corporation and any security received or held by the corporation for any part of the consideration payable on such sale, lease or other disposition shall stand as security for said debentures or be applied for said undertaking or form part of the general funds of the corporation, as the case may be.

EXPLANATORY NOTES

Section 2. *The Public Utilities Act* does not at present make any adequate provision for the sale or disposal of a public utility undertaking or its properties and doubt exists as to the ability of a municipality to make valid disposition thereof.

New section 32 is introduced to authorize sales, etc., and to establish the procedure to be followed thereon.

Approval
necessary
as to
application
of proceeds.

- (3) In a case where there are no debentures to the redemption and payment of which proceeds derived from any sale or disposal of an undertaking or property may be applied, such proceeds may be applied in redemption of other debentures of the corporation or with the approval of the Ontario Railway and Municipal Board may be applied for purposes of a capital nature; provided that where portion only of the property of an undertaking for the supply of electrical power or energy obtained from The Hydro-Electric Power Commission of Ontario is sold or disposed of the proceeds shall be applied only as the said Commission may approve.

When assent
of electors
requisite.

- (4) A corporation shall not sell, lease or otherwise dispose of the whole of a public utility undertaking or the whole of the property acquired, held or used for or in connection with a public utility undertaking without the assent of the electors qualified to vote on moneys by-laws first being obtained thereto in the manner provided by *The Municipal Act* with respect to a money by-law requiring the assent of the electors.

Rev. Stat.,
c. 233.

When
approval of
Municipal
Board
requisite for
sale, etc.

- (5) A corporation shall not sell, lease or otherwise dispose of a portion only of the property acquired or held for or in connection with a public utility undertaking so long as such portion is actually used for the purposes of the undertaking, except with the approval of the Ontario Railway and Municipal Board, and on such application the said Board may direct that the assent shall first be obtained of the electors qualified to vote on money by-laws in the manner aforesaid.

When assent
of Ontario
Power
Commission
requisite.

- (6) A corporation shall not sell, lease or otherwise dispose of the whole of the public utility undertaking for the supply of electrical power or energy obtained directly or indirectly from The Hydro-Electric Power Commission of Ontario or of the whole of the property acquired, held or used for or in connection therewith or of any part thereof which is no longer required for the undertaking or for the purpose of the corporation, or for so long as such undertaking is being operated by or for the corporation, sell, lease or otherwise dispose of any part of the property which is actually used for the purposes of the undertaking, without the assent of The Hydro-Electric Power Commission of Ontario first being obtained thereto.

Procedure
when a
commission
operates a
utility.

- (7) Where the powers of a corporation with respect to a public utility undertaking are exercised by a commission, the council shall upon the request of the commission submit to the qualified electors a by-law to authorize any sale, lease or other disposition of the undertaking or the whole or any part of the property acquired, held or used for or in connection therewith which under the provisions of this section is required to be assented to by the electors.

Short leases
excepted.

- (8) Subsections 4, 5 and 6 shall not apply to a lease for a term not exceeding five years of a portion of the property of a public utility undertaking.

Application
of section.

- (9) This section shall apply to sales, leases and other dispositions of a public utility undertaking and of any property acquired, held or used for or in connection with a public utility undertaking, completed subsequent to the first day of March, 1931.

Rev. Stat.,
c. 249, s. 36,
subs. 1,
repealed.

3. Subsection 1 of section 36 of *The Public Utilities Act* is repealed and the following substituted therefor:

Powers of
commission.

- (1) Subject to subsection 3, where a commission has been established under this Part and the members thereof have been elected or where the control and management of any other public utility works are entrusted to a commission established under this Part, all the powers, rights, authorities and privileges which are by this Act conferred on a corporation shall, while the by-laws for establishing the commission or entrusting it with such control and management remain in force, be exercised by the commission and not by the council of the corporation.

Rev. Stat.,
c. 249, s. 39,
amended.

4. Section 39 of *The Public Utilities Act* is amended by adding thereto the following subsection:

Approval of
commission
as to
sharing
cost with
municipality.

- (4) Where electrical power or energy received under contract from The Hydro-Electric Power Commission of Ontario is being distributed in a municipality the electric utility shall not be charged with more than its pro rata share approved by The Hydro-Electric Power Commission of Ontario, of any costs, charges and expenditures incurred or made jointly for the purpose of such utility and for any other municipal purpose including in such costs, charges and expenditures all rents and the salaries and wages of joint employees.

Section 3. Doubt having arisen as to the exact powers of a commission where further utility works are entrusted to its management, it is desirable to revise the provision of the Act in such respect.

Section 4. New subsection 4 of section 39 is to ensure that there is a proper distribution of charges between an electric utility and any such other municipal enterprise in respect of which joint expenditures are included.

Rev. Stat.,
c. 249, s. 42,
subs. 1,
repealed.

5. Subsection 1 of section 42 of *The Public Utilities Act* is repealed and the following substituted therefor:

- (1) The Commission shall on or before the first day of April in each year or upon such other day as the council may direct, furnish to the council a statement of affairs of each public utility undertaking, including in respect of each such undertaking:
 - (a) the number of customers supplied during the previous calendar year;
 - (b) a balance sheet of assets and liabilities, including the value of the physical property, the amount of the sinking fund and the amount of current assets, also the amount of outstanding debentures and of current liabilities;
 - (c) a statement of revenue and expenditure, including the amount received from customers and the amount of other revenue, if any, also the amount expended for operation and maintenance, improvements and extensions, and for salaries and other office and management expenses, and the amount paid or set aside for interest, principal and sinking fund on the debentures.

Rev. Stat.,
c. 249, s. 42,
amended.

6. Section 42 of *The Public Utilities Act* is amended by adding thereto the following subsection:

- (4) The commission may, if it so desires appoint auditors to audit the accounts of the commission, the expense to be borne by the utility.

Rev. Stat.,
c. 249, s. 46,
amended.

7. Section 46 of *The Public Utilities Act* is amended by adding thereto the following subsection:

Power to
require
security
from
consumer.

- (4) Any corporation before supplying any public utility to any person or to any building or premises, or as a condition of continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges therefor or for carrying the public utility into such building or premises.

Rev. Stat.,
c. 249, s. 56,
repealed.

8. Section 56 of *The Public Utilities Act* is repealed.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 5. Is a restatement of the present Act with some minor modifications.

Section 6. Is to enable a utility commission to engage an auditor if it so desires, as in many municipalities the municipal auditors do not make any thorough audit of the commission's accounts.

Section 7. Under the present law a utility company can require a customer to lodge a deposit before the utility is supplied. It is desirable to extend this provision in favour of the municipality, particularly as the statutory priorities of a municipality for payment of charges for a utility were largely abolished in 1927.

Section 8. With the enactment of the foregoing section it is no longer necessary to retain s. 56 of the Act.

BILL

An Act to amend The Public Utilities Act.

1st Reading

March 18th, 1931

2nd Reading

3rd Reading

MR. MACAULAY

No. 128

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Public Utilities Act.

MR. MACAULAY

No. 128

1931

BILL

An Act to amend The Public Utilities Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Public Utilities Act, 1931*.

Rev. Stat.,
c. 249, s. 32,
repealed. 2. Section 32 of *The Public Utilities Act* is repealed and the following substituted therefor:

Disposal
of public
utility
undertaking
and
properties.

32.—(1) Subject to the provisions of subsections 4, 5 and 6 and notwithstanding the provisions of section 30, the corporation may free from any charge or lien, sell, lease or otherwise dispose of a public utility undertaking, or the whole or any part of the property, real or personal, acquired, held or used for or in connection with a public utility undertaking, which in the opinion of the council is no longer required for the purpose of the corporation or for the undertaking.

Application
of proceeds
of disposal.

(2) The proceeds derived from any sale, lease or other disposition of such undertaking or property shall be applied in redemption and payment of any debentures of the corporation issued in respect to the public utility undertaking, or if there are no such debentures, then in case of sale or disposal of a portion only of such property the proceeds thereof shall be applied for the undertaking in connection with which the property was held or used and in case of sale or disposal of the whole of such property or of the undertaking the proceeds thereof shall form part of the general funds of the corporation and any security received or held by the corporation for any part of the consideration payable on such sale, lease or other disposition shall stand as security for said debentures or be applied for said undertaking or form part of the general funds of the corporation, as the case may be.

- (3) In a case where there are no debentures to the redemption and payment of which proceeds derived from any sale or disposal of an undertaking or property may be applied, such proceeds may be applied in redemption of other debentures of the corporation or with the approval of the Ontario Railway and Municipal Board may be applied for purposes of a capital nature; provided that where portion only of the property of an undertaking for the supply of electrical power or energy obtained from The Hydro-Electric Power Commission of Ontario is sold or disposed of the proceeds shall be applied only as the said Commission may approve. Approval necessary as to application of proceeds.
- (4) A corporation shall not sell, lease or otherwise dispose of the whole of a public utility undertaking or the whole of the property acquired, held or used for or in connection with a public utility undertaking without the assent of the electors qualified to vote on moneys by-laws first being obtained thereto in the manner provided by *The Municipal Act* with respect to a money by-law requiring the assent of the electors. When assent of electors requisite. Rev. Stat., c. 233.
- (5) A corporation shall not sell, lease or otherwise dispose of a portion only of the property acquired or held for or in connection with a public utility undertaking so long as such portion is actually used for the purposes of the undertaking, except with the approval of the Ontario Railway and Municipal Board, and on such application the said Board may direct that the assent shall first be obtained of the electors qualified to vote on money by-laws in the manner aforesaid. When approval of Municipal Board requisite for sale, etc.
- (6) A corporation shall not sell, lease or otherwise dispose of the whole of the public utility undertaking for the supply of electrical power or energy obtained directly or indirectly from The Hydro-Electric Power Commission of Ontario or of the whole of the property acquired, held or used for or in connection therewith or of any part thereof which is no longer required for the undertaking or for the purpose of the corporation, or for so long as such undertaking is being operated by or for the corporation, sell, lease or otherwise dispose of any part of the property which is actually used for the purposes of the undertaking, without the assent of The Hydro-Electric Power Commission of Ontario first being obtained thereto. When assent of Ontario Power Commission requisite.

Procedure
when a
commission
operates a
utility.

- (7) Where the powers of a corporation with respect to a public utility undertaking are exercised by a commission, the council shall upon the request of the commission submit to the qualified electors a by-law to authorize any sale, lease or other disposition of the undertaking or the whole or any part of the property acquired, held or used for or in connection therewith which under the provisions of this section is required to be assented to by the electors.

Short leases
excepted.

- (8) Subsections 4, 5 and 6 shall not apply to a lease for a term not exceeding five years of a portion of the property of a public utility undertaking.

Application
of section.

- (9) This section shall apply to sales, leases and other dispositions of a public utility undertaking and of any property acquired, held or used for or in connection with a public utility undertaking, completed subsequent to the first day of March, 1931.

Rev. Stat.,
c. 249, s. 36,
subs. 1,
repealed.

3. Subsection 1 of section 36 of *The Public Utilities Act* is repealed and the following substituted therefor:

Powers of
commission.

- (1) Subject to subsection 3, where a commission has been established under this Part and the members thereof have been elected or where the control and management of any other public utility works are entrusted to a commission established under this Part, all the powers, rights, authorities and privileges which are by this Act conferred on a corporation shall, while the by-laws for establishing the commission or entrusting it with such control and management remain in force, be exercised by the commission and not by the council of the corporation.

Rev. Stat.,
c. 249, s. 39,
amended.

4. Section 39 of *The Public Utilities Act* is amended by adding thereto the following subsection:

Approval of
commission
as to
sharing
cost with
municipality.

- (4) Where electrical power or energy received under contract from The Hydro-Electric Power Commission of Ontario is being distributed in a municipality the electric utility shall not be charged with more than its pro rata share approved by The Hydro-Electric Power Commission of Ontario, of any costs, charges and expenditures incurred or made jointly for the purpose of such utility and for any other municipal purpose including in such costs, charges and expenditures all rents and the salaries and wages of joint employees.

5. Subsection 1 of section 42 of *The Public Utilities Act* Rev. Stat., c. 249, s. 42, subs. 1, repealed. is repealed and the following substituted therefor:

(1) The Commission shall on or before the first day of April in each year or upon such other day as the council may direct, furnish to the council a statement of affairs of each public utility undertaking, including in respect of each such undertaking:

- (a) the number of customers supplied during the previous calendar year;
- (b) a balance sheet of assets and liabilities, including the value of the physical property, the amount of the sinking fund and the amount of current assets, also the amount of outstanding debentures and of current liabilities;
- (c) a statement of revenue and expenditure, including the amount received from customers and the amount of other revenue, if any, also the amount expended for operation and maintenance, improvements and extensions, and for salaries and other office and management expenses, and the amount paid or set aside for interest, principal and sinking fund on the debentures.

6. Section 42 of *The Public Utilities Act* is amended by Rev. Stat., c. 249, s. 42, amended. adding thereto the following subsection:

(4) The commission may, if it so desires appoint auditors to audit the accounts of the commission, the expense to be borne by the utility.

7. Section 46 of *The Public Utilities Act* is amended by Rev. Stat., c. 249, s. 46, amended. adding thereto the following subsection:

(4) Any corporation before supplying any public utility to any person or to any building or premises, or as a condition of continuing to supply the same, may require any consumer to give reasonable security for the payment of the proper charges therefor or for carrying the public utility into such building or premises. Power to require security from consumer.

8. Section 56 of *The Public Utilities Act* is repealed.

Rev. Stat., c. 249, s. 56, repealed.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act to amend The Public Utilities Act.

1st Reading

March 18th, 1931

2nd Reading

March 20th, 1931

3rd Reading

March 27th, 1931

MR. MACAULAY

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Devolution of Estates Act.

MR. PRICE

No. 129

1931

BILL

An Act to amend The Devolution of Estates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Devolution of Estates Act, 1931*.

Rev. Stat.,
c. 148, s. 20,
subs. 2,
amended.

2. Subsection 2 of section 20 of *The Devolution of Estates Act* is amended by inserting at the commencement thereof the words "Except with the approval of the majority of the persons beneficially entitled thereto, including the Official Guardian acting on behalf of an infant or lunatic."

Rev. Stat.,
c. 148, s. 24,
subs. 1,
amended.

3. Subsection 1 of section 24 of *The Devolution of Estates Act* is amended by striking out the clause lettered *b* and inserting in lieu thereof the following:

(b) power with the approval of the majority of the persons beneficially entitled thereto, including the Official Guardian acting on behalf of an infant or lunatic;

so that the subsection will now read as follows:

Powers of
personal
representa-
tives as to
leasing and
mortgaging.

(1) The powers of a personal representative under this Act shall include

(a) power to lease from year to year while the real property remains vested in him;

(b) power with the approval of the majority of the persons beneficially entitled thereto, including the Official Guardian acting on behalf of an infant or lunatic, to lease for a longer term;

(c) power to mortgage for the payment of debts.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTES

Section 2. The amendment is designed to prevent an advantageous sale being held up by the non-concurrence of someone beneficially entitled. The subsection as it now stands guards the rights of infants and lunatics by requiring the approval of the Official Guardian so far as they are concerned.

Section 3. The power to make a lease for more than one year only with the approval of the Supreme Court has been found to be irksome and the amendment would place the making of such lease in the same position as a sale for the purpose of distribution.

BILL

An Act to amend The Devolution of
Estates Act.

1st Reading

March 19th, 1931

2nd Reading

3rd Reading

MR. PRICE

No. 129

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Devolution of Estates Act.

MR. PRICE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 129

1931

BILL

An Act to amend The Devolution of Estates Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Devolution of Estates Act, 1931*.

Rev. Stat.,
c. 148, s. 20,
subs. 2,
amended.

2. Subsection 2 of section 20 of *The Devolution of Estates Act* is amended by inserting at the commencement thereof the words "Except with the approval of the majority of the persons beneficially entitled thereto, including the Official Guardian acting on behalf of an infant or lunatic."

Rev. Stat.,
c. 148, s. 24,
subs. 1,
amended.

3. Subsection 1 of section 24 of *The Devolution of Estates Act* is amended by striking out the clause lettered *b* and inserting in lieu thereof the following:

- (b) power with the approval of the majority of the persons beneficially entitled thereto, including the Official Guardian acting on behalf of an infant or lunatic, to lease for a longer term;

so that the subsection will now read as follows:

Powers of
personal
representa-
tives as to
leasing and
mortgaging.

- (1) The powers of a personal representative under this Act shall include

- (a) power to lease from year to year while the real property remains vested in him;
- (b) power with the approval of the majority of the persons beneficially entitled thereto, including the Official Guardian acting on behalf of an infant or lunatic, to lease for a longer term;

- (c) power to mortgage for the payment of debts.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Devolution of
Estates Act.

1st Reading

March 19th, 1931

2nd Reading

March 23rd, 1931

3rd Reading

March 31st, 1931

MR. PRICE

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Wolf Bounty Act.

MR. MCCREA

BILL

An Act to amend The Wolf Bounty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Wolf Bounty Act, 1931*.

Rev. Stat.,
c. 320, s. 4,
amended.

2. Section 4 of *The Wolf Bounty Act* is amended by striking out the word "warden" in the fourth and tenth lines respectively and inserting in lieu thereof the words "district superintendent of game and fisheries."

Rev. Stat.,
c. 320, s. 5,
amended.

3. Section 5 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the fifth line and inserting in lieu thereof the figures "25."

Rev. Stat.,
c. 320, s. 7,
amended.

4. Section 7 of *The Wolf Bounty Act* is amended by striking out the words "warden for the Department" in the third line and inserting in lieu thereof the words "district superintendent of game and fisheries."

Rev. Stat.,
c. 320, s. 8,
subs. 1,
amended.

5. Subsection 1 of section 8 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the tenth line and inserting in lieu thereof the figures "25."

Rev. Stat.,
c. 320, s. 8a,
(1930,
c. 21, s. 17),
repealed.

6. Section 8a of *The Wolf Bounty Act* as enacted by section 17 of *The Statute Law Amendment Act, 1930*, is repealed.

Commence-
ment of Act.

7. This Act shall come into force on the 1st day of June, 1931.

EXPLANATORY NOTES

Section 2. This amendment is merely for the purpose of bringing this Act into conformity with *The Game and Fisheries Act* which was amended in a similar way last year.

Section 3. This increases the bounty on wolves from \$15 to \$25.

Section 4. Explanation of section 2 applies to this section.

Section 5. Explanation of section 3 applies to this section.

Section 6. The section repealed allowed an additional \$10 to be granted in cases where the wolf was killed within certain prescribed areas. Section 3 of the Bill increases the bounty on all wolves three months of age or over regardless of where killed to \$25, making the section repealed unnecessary.

BILL

An Act to amend The Wolf Bounty Act.

1st Reading

March 19th, 1931

2nd Reading

3rd Reading

MR. MCCREA

No. 130

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Wolf Bounty Act.

MR. MCCREA

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 130

1931

BILL

An Act to amend The Wolf Bounty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Wolf Bounty Act, 1931*.

Rev. Stat.,
c. 320, s. 4,
amended. 2. Section 4 of *The Wolf Bounty Act* is amended by striking out the words "district warden" in the fourth line and the word "warden" in the tenth line and inserting in lieu thereof the words "district superintendent of game and fisheries."

Rev. Stat.,
c. 320, s. 5,
amended. 3. Section 5 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the fifth line and inserting in lieu thereof the figures "25."

Rev. Stat.,
c. 320, s. 7,
amended. 4. Section 7 of *The Wolf Bounty Act* is amended by striking out the words "warden for the Department" in the third line and inserting in lieu thereof the words "superintendent of game and fisheries."

Rev. Stat.,
c. 320, s. 8,
subs. 1,
amended. 5. Subsection 1 of section 8 of *The Wolf Bounty Act* is amended by striking out the figures "15" in the tenth line and inserting in lieu thereof the figures "25."

Rev. Stat.,
c. 320, s. 8a,
(1930,
c. 21, s. 17),
repealed. 6. Section 8a of *The Wolf Bounty Act* as enacted by section 17 of *The Statute Law Amendment Act, 1930*, is repealed.

Commence-
ment of Act. 7. This Act shall come into force on the 1st day of June, 1931.

BILL

An Act to amend The Wolf Bounty Act.

1st Reading

March 19th, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. MCCREA

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Apprenticeship Act, 1928.

MR. MONTEITH

No. 131

1931

BILL

An Act to amend The Apprenticeship Act, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Apprenticeship Act, 1931*.

1928,
c. 25, s. 2,
cl. b,
repealed.

2. The clause lettered *b* in section 2 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

"Em-
ployer,"—
meaning of.

(*b*) "Employer" shall mean and include any person, firm or corporation, or municipal, provincial or other public authority to whom an apprentice is, or may be at any time bound in accordance with this Act, by contract of apprenticeship in any designated trade.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

This is intended to overcome an interpretation of the Act to the effect that an employer did not need to contribute to the apprenticeship fund provided for in section 20 of *The Statute Law Amendment Act, 1930*, unless he actually had apprentices.

BILL

An Act to amend The Apprenticeship
Act, 1928.

1st Reading

March 19th, 1931

2nd Reading

3rd Reading

MR. MONTEITH

No. 131

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Apprenticeship Act, 1928.

MR. MONTEITH

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 131

1931

BILL

An Act to amend The Apprenticeship Act, 1928.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Apprenticeship Act, 1931*.

1928,
c. 25, s. 2,
cl. b,
repealed.

2. The clause lettered *b* in section 2 of *The Apprenticeship Act, 1928*, is repealed and the following substituted therefor:

"Em-
ployer,"—
meaning of.

(b) "Employer" shall mean and include any person, firm or corporation, or municipal, provincial or other public authority to whom an apprentice is, or may be at any time bound in accordance with this Act, by contract of apprenticeship in any designated trade.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Apprenticeship
Act, 1928.

1st Reading

March 19th, 1931

2nd Reading

March 23rd, 1931

3rd Reading

March 31st, 1931

MR. MONTEITH

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Department of Labour Act.

MR. MONTEITH

No. 132

1931

BILL

An Act to amend The Department of Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Department of Labour Act, 1931*.

Rev. Stat.,
c. 62,
amended.

2. *The Department of Labour Act* is amended by adding thereto the following section:

Regulations
re protection
of workmen.

8.—(1) The Minister, with the approval of the Lieutenant-Governor in Council may make such regulations as may be deemed necessary for the safety and protection of persons engaged,—

(a) on work in the construction of which men are employed in compressed air;

(b) in the construction of tunnels and open caisson work.

Confirma-
tion of
former
regulations.

(2) All such regulations heretofore made are declared to be and to have been legal, valid and binding.

Existing
regulations
not
interfered
with.

(3) The regulations made under this section shall be deemed to be in addition to and not in contradiction of or in substitution for regulations made under any other Act dealing with the safety of workmen and employees.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

EXPLANATORY NOTE

At the present time there is no authority in any of the statutes to make regulations governing the safety and protection of employees engaged in work in compressed air, and it is important that workmen engaged in work of this description should be carefully looked after. The proposed amendment will give the Lieutenant-Governor power to make regulations taking every precaution for their safety.

BILL

An Act to amend The Department of
Labour Act.

1st Reading

March 19th, 1931

2nd Reading

3rd Reading

MR. MONTEITH

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Department of Labour Act.

MR. MONTEITH

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Department of
Labour Act.

1st Reading

March 19th, 1931

2nd Reading

March 23rd, 1931

3rd Reading

March 31st, 1931

MR. MONTEITH

No. 133

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Power Commission Act.

MR. COOKE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 133

1931

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Power Commission Act, 1931*.

Rev. Stat.
c. 57, s. 1,
amended. **2.** Section 1 of *The Power Commission Act* is amended by adding thereto the following clauses:

"Land." (d) "Land" shall mean real property of whatsoever nature or kind, and shall include tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land.

"Owner." (e) "Owner" shall include mortgagee, lessee, tenant, occupant, or any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest therein is vested.

Rev. Stat.
c. 57, s. 30,
repealed. **3.** Section 30 of *The Power Commission Act* is repealed.

Rev. Stat.
c. 57, s. 20,
amended. **4.** Section 20 of *The Power Commission Act* as amended by section 4 of *The Power Commission Act, 1929*, and as further amended by sections 4, 5 and 6 of *The Power Commission Act, 1930*, is amended as follows:

(1) Subsections 2 to 12 of said section 20 are renumbered and shall become section 30, subsections 1 to 11 inclusive.

(2) Subsection 1 of said section 20 is hereby renumbered as subsection 2 of section 20, and as renumbered, is amended by inserting at the commencement thereof the following words:

"In particular, but without limiting the generality of subsection 1 hereof."

and the clause lettered (f) is amended by striking out the word and figures "2 and 3" in the tenth line and inserting in lieu thereof the following: "1 and 2 of Section 30."

- (3) The following subsections shall be added to said section 20:

- (1) The Lieutenant-Governor in Council may authorize the Commission at any time and from time to time, to acquire by purchase, lease, or in any other manner, or without the consent of the owner thereof to enter upon, take possession of, expropriate and use, any land, lake, river, stream, or other body of water or water-course, and temporarily or permanently to divert or alter the boundaries or course of any lake, river, stream or other body of water or water-course, or raise or lower the level of the same or flood or overflow any land.

The Commission to have powers of Minister of Public Works.

- (3) In relation to all matters authorized by the Lieutenant-Governor in Council under any of the provisions of this section, the Commission shall have, and may exercise and enjoy, in addition to the powers conferred by this or any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words, "The Minister," "The Department," or the "Crown" appear in the said Act, they shall, where the context permits mean and include the Commission.

Mode of perfecting title.

- (4) Upon the deposit in the proper registry or Land titles office of a plan and description of the land required by the Commission, signed by the Secretary or by an Ontario Land Surveyor, the land so described shall thereupon become and be vested in the Commission.

Procedure.

- (5) Except where the Commission is proceeding under the provisions of section 21, the Commission shall in the exercise of powers authorized by this section and section 26, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with

respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Powers of
Board.

- (6) Where the Commission elects to have the compensation determined by the Ontario Railway and Municipal Board, under the provisions of section 28 of *The Public Works Act*, the Board shall in addition to the powers conferred upon it by the said section 28 of *The Public Works Act*, and by *The Railway and Municipal Board Act*, have the power, upon the application of the Commission or the owner, to direct the filing and serving of pleadings, and particulars thereof, and to direct discovery and production as in actions in the Supreme Court, and in accordance with the rules of practice in that behalf.
- (7) The Lieutenant-Governor in Council may direct that any authorization to the Commission heretofore or hereafter given, shall be retroactive, when the same shall be deemed to have taken effect from the time so fixed.
- (8) No Act or proceeding of the Commission pursuant to any authorization of the Lieutenant-Governor in Council under this section shall be restrained by injunction or other process or proceeding in any court.

Rev. Stat.
c. 57, s. 21,
repealed.

5. Section 21 of *The Power Commission Act* is repealed and the following substituted therefor:

21.—(1) Notwithstanding anything in this or any other Act, whenever the Commission has been authorized by the Lieutenant-Governor in Council to exercise any of the powers set out in clause c of subsection 2 of section 20 it may proceed under the following provisions of this section.

Mode of
exercising
and extent
of powers.

- (2) The Commission may without notice and without the deposit of any plan or description or any prerequisite or preliminary action or formality, and with or without the consent of the owner thereof, enter upon, take possession of and use for such time as the Commission may deem desirable any land which the Commission may deem to be required for the due exercise of the powers so authorized.

Compensation.

- (3) Compensation shall be made to the owner for the land taken or used and for all damage to property resulting from the exercise of the said powers, and in fixing such compensation regard shall in all cases be had to the value of the land taken, or to the nature and extent of the estate, right, privilege, easement, or interest which the Commission decides to take and acquire in, over, upon or in respect of the land as the case may be, and the compensation shall be based thereon.

Rev. Stat.
c. 57.
How far to
apply.

- (4) Where the amount of the compensation has been agreed upon or fixed or otherwise determined, all of the provisions of *The Public Works Act* as to the payment or other disposition and application of the compensation or money payable in respect of the land, right or easement taken by the Commission shall, *mutatis mutandis*, apply.

Appoint-
ment of
and powers
of valuator.

- (5) The Lieutenant-Governor in Council may from time to time appoint some suitable person as a valuator, who shall receive his reasonable and necessary travelling and other expenses and such salary as may be fixed by the Lieutenant-Governor in Council, and the same shall be paid by the Commission as part of its general administration expense. When no agreement is arrived at as to the amount of compensation to be paid to the owner, the valuator shall as soon as conveniently may be after a request to him either from the owner or the Commission, secure from the Commission a description of the land, right or easement which the Commission requires or has taken from the owner and make such inquiries and inspection and procure such expert advice as he may think desirable and in accordance with subsection 3 fix and determine the compensation to be paid for such land, right or easement, and notify by registered letter the owner and the Commission of such finding.

Appeal from
valuator.

- (6) Either the owner or the Commission, if dissatisfied with the amount of the compensation so fixed, may appeal within thirty days after the mailing of the notice of finding by the valuator by giving notice to the other that an appeal is desired from the same.

Who to hear
appeals.

- (7) Upon the request of the Commission, the Lieutenant-Governor in Council may from time to time designate a judge of the Supreme Court or a judge of a county or district court to hear such of the said appeals as the Order-in-Council may direct or the

Commission may from time to time refer any of such appeals to, and the same may be heard by the Ontario Railway and Municipal Board or any member thereof. If a judge is so designated he shall receive his reasonable and necessary travelling expenses and such fee as may be fixed from time to time by the Lieutenant-Governor in Council and the same shall be paid by the Commission as part of its general administration expense.

Powers of
judge or
Board on
appeal.

- (8); The judge or the Board or any member thereof, as the case may be, shall appoint such time and place and give such notice of the hearing of appeals as may be thought proper and most convenient and such judge or Board or any member thereof shall for the purposes of this section have all the powers which are conferred upon the Ontario Railway and Municipal Board by *The Railway and Municipal Board Act* and the provisions of that Act with respect to procedure and the enforcement of orders made hereunder from time to time shall, *mutatis mutandis*, apply.

Costs of
appeal.

- (9) In the notice of appeal the appellant shall set out the amount which the appellant deems proper to have been fixed by the valuator and if, where the owner is the appellant, he fails to recover anything more than the amount fixed by the valuator, or if where the Commission is the appellant it fails to have the amount so fixed reduced, then the costs of the proceedings as between party and party shall be payable by the appellant. If under the provisions of this subsection the costs are payable to the Commission the same may be deducted from the compensation payable.

Scale of
costs.

- (10) If the difference between the amount fixed by the valuator and the amount awarded by the judge or Board or member thereof, is within the jurisdiction conferred upon the county or division courts in respect of actions for damages, the costs shall be taxed upon the scale of the county or division court as the case may be, and if such difference is greater than the amount in which the county court would have jurisdiction as aforesaid, then such costs shall be taxed upon the Supreme Court scale. If it appears on such appeal that the claim to compensation put forward by the owner is grossly excessive, and the expense of the Commission has been thereby increased, the judge or Board or member thereof may fix and allow to the Commission by way of set-off against such costs as may be awarded to

the owner hereunder, the amount of such excess expense.

Mode of
perfecting
title.

- (11) The owner shall upon reasonable notice attend at a place to be fixed by the Commission, and execute such necessary instruments or documents as the Commission may require upon tender to him of the Commission's cheque for the amount awarded by the judge or Board or member thereof or fixed by the valuator, and costs, if any, less such costs as may have been awarded against him, and in the event of his failing to attend and execute such instruments or documents, or if for any reason the Commission deems it desirable, the Commission may file in the registry office or land titles office, as the case may be, in the district or county in which the land affected is situate, a plan and description of the land, right or easement so taken, signed by the Secretary of the Commission, or by an Ontario Land Surveyor, and thereupon such land, right or easement shall be and become vested in the Commission.

Rev. Stat.
c. 57, s. 22,
repealed.

6. Section 22 of *The Power Commission Act* is repealed and the following substituted therefor:

Appeals.

22.—(1) In cases under section 21 either the Commission or the owner may, subject to the provisions of subsection 2 of section 23a, appeal to the Appellate Division from the order of the judge or the Board or member thereof, and in all other cases either the Commission or the owner may appeal to the Appellate Division from the order of the judge or the Board as the case may be.

(2) Where the appeal is taken under the provisions of subsection 1, section 47 of *The Railway and Municipal Board Act* as to appeals from the Board shall apply, but notwithstanding anything in that section contained, the provisions of section 46 of *The Railway and Municipal Board Act* shall not apply.

Rev. Stat.
c. 57,
amended.

7. *The Power Commission Act* is amended by adding thereto the following section:

Owner to
give notice
of crop
damage.

23a.—(1) Where a claim is made against the Commission for damage to crops, gardens, shrubs, trees or other growing things, caused by or incidental to the construction, maintenance or repair of transmission lines, notice of such claim shall be given in writing, signed by the claimant at as early a date as possible, and so that the nature, character, extent and evidence

of the damage may still be apparent, and in any case, not later than thirty days after the cause for complaint arose.

Effect of
failure to
give notice.

- (2) If a claim is made after the time limited by subsection 1, and the claimant has failed to give the notice therein required, either the Commission or the owner may, notwithstanding such failure, request the valuator to attend and investigate the damage complained of. The valuator, if satisfied that there was reasonable excuse for the failure to give or the insufficiency of, the notice, and that the Commission was not thereby prejudiced, may award such compensation as may appear to him to be just, and in that event, the finding of the valuator shall be final and binding upon the owner, but the Commission may nevertheless appeal, as in other cases provided for in section 21.

Rev. Stat.
c. 57, s. 23,
amended.

8. Section 23 of *The Power Commission Act* is amended by striking out the figures "22" in the eleventh line, and substituting therefor the figures "21."

Rev. Stat.
c. 57, s. 28,
subs. 2,
amended.

9. Subsection 2 of section 28 of *The Power Commission Act* is amended by striking out the figures "30" in the eleventh line and substituting therefor the figures "21."

Commence-
ment of Act.

10. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL.

An Act to amend The Power Commission
Act.

1st Reading
March 19th, 1931

2nd Reading

3rd Reading

MR. COOKE

No. 133

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Power Commission Act.

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TORONTO
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1931

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An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Power Commission Act, 1931*.

Rev. Stat.,
c. 57, s. 1,
amended. **2.** Section 1 of *The Power Commission Act* is amended by adding thereto the following clauses:

"Land." (d) "Land" shall mean real property of whatsoever nature or kind, and shall include tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land.

"Owner." (e) "Owner" shall include mortgagee, lessee, tenant, occupant, or any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest therein is vested.

Rev. Stat.,
c. 57, ss. 20
to 30
repealed. **3.** Sections 20 to 30 of *The Power Commission Act* are repealed and the following substituted therefor:

20.—(1) The Lieutenant-Governor in Council may authorize the Commission at any time and from time to time, to acquire by purchase, lease, or in any other manner, or without the consent of the owner thereof to enter upon, take possession of, expropriate and use, any land, lake, river, stream, or other body of water or watercourse, and temporarily or permanently to divert or alter the boundaries or course of any lake, river, stream or other body of water or watercourse, or raise or lower the level of the same or flood or overflow any land. *New.*

Power may
be given to
Commission.

(2) In particular, but without limiting the generality of subsection 1 hereof, the Lieutenant-Governor in

EXPLANATORY NOTES

The clauses enumerating the powers of the Commission which are now contained in section 20 of the Act are reprinted in the present Bill and will be found in subsection 2 of the new section 20 except that part of subsection 2 which has been transferred to section 30, the reason for this being that a number of provisions have been added from time to time with respect to the matters dealt with in subsection 1 of section 30 of the new Bill.

Section 2. It is thought wise to insert a definition of "land" and "owner" so as to avoid unnecessary verbiage.

Section 3. 20.—(1) This is new. It has always been supposed that the Commission had powers of expropriation and these are expressly conferred with regard to certain matters but it is thought better to give a general power and then follow that with the particular powers set out in subsection 2.

20.—(2) There is no change in this subsection, these being clauses in the present section 20.

Council, upon the recommendation of the Commission, may authorize the Commission to

To acquire lands, water powers and works.

- (a) acquire by purchase, lease or otherwise, or without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, the land, waters, water privileges, water powers and works, of any person owning, holding under lease or otherwise, or developing, operating or using the same for generating, or adapted for generating electrical power or energy or for the transmission thereof in Ontario; and develop and use the same for any of the purposes of this Act; R.S.O. 1927, c. 57, s. 20 (1), cl. *a*;

To acquire Dominion Power and Transmission Company Limited.

- (aa) acquire by purchase the whole or any part of the property, assets and undertaking of Dominion Power and Transmission Company Limited, including shares held or owned by said company in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to maintain and operate any property or properties so acquired; 1930, c. 12, s. 4, *part*;

To acquire and construct works for production of electricity.

- (b) acquire by purchase, lease or otherwise, and construct, maintain and operate, works for the production of electrical power or energy by the use of coal, oil or any other means whatsoever; R.S.O. 1927, c. 57, s. 20 (1) cl. *b*.

Works on inter-provincial boundaries.

- (bb) acquire by purchase, lease or otherwise, lands, waters, water privileges, water powers and works upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the production and transmission of electrical power or energy, and enter into agreements with the Crown as representing such other province, or with any commission or department of the Government of such other province, or with any corporation or person interested in or affected by such works as to

the terms and conditions upon which such works shall be carried on and any rights so acquired by exercised.

Acquiring shares in companies operating on such boundaries.

- (bbb) acquire by purchase in the open market or otherwise shares or stock of any company owning or controlling any such lands, waters, water privileges, water powers or works; 1930, c. 12, s. 4; *part*;

To acquire plant for transmission of power.

- (c) construct, maintain and operate, and acquire by purchase, lease or otherwise, or, without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, all erections, machinery, plant and other works and appliances for the transmission, supply and distribution of electrical power or energy; and conduct, store, transmit and supply electrical power or energy and steam for the purposes of this Act, and, with lines of wires, poles, conduits, pipes, motors or other conductors or devices, receive, conduct, convey, transmit, distribute, supply or furnish such electrical power or energy and steam to or from any person at any place through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or railway, and through, over or under the land of any person;

To contract for supply of power to Commission.

- (d) contract with any person generating, transmitting or distributing electrical power or energy, or proposing so to do, to supply electrical power or energy to the Commission; and require any person generating, transmitting or distributing electrical power or energy to supply so much thereof as the Commission may require;

To flood lands and improve water powers.

- (e) enter upon, take and use, without the consent of the owner thereof, any land upon which any water power or privilege is situate, or any lake, river, stream or other body of water which, in the opinion of the Commission, is capable of improvement or development for the purpose of providing water power, and construct such dams, sluices, canals, raceways and other works as may be deemed proper or expedient for the said purposes, and flood and overflow any land to the extent to which the Commis-

sion may deem necessary for the purpose of providing storage of the water or for any other purpose in connection with such works, and contract with any municipal corporation, company or individual for the use of any of the improvements or works so made, on such terms and conditions as may be agreed on;

To acquire flooded lands on behalf of municipality.

- (f) enter upon, take and use, without the consent of the owner thereof, any land which may, in the opinion of the Commission, be necessary for the full enjoyment and exercise of any water right, water privilege or improvement undertaken by the Commission or by any municipal corporation or for the relief of the municipal corporation from liability for damages for the flooding or overflowing of such lands; but subject to the provisions of subsections 1 and 2 of section 30, the proceedings taken under this paragraph shall be at the sole expense of the municipal corporation, and the Commission may convey the lands so acquired to such corporation or make such other disposition thereof with the consent of such corporation as may be deemed expedient;

To acquire distributing plant.

- (g) acquire by purchase or expropriate any plant, machinery, appliances, wire, poles and other equipment, and the land occupied by or used in connection therewith or any part thereof, used or intended for the distribution of electrical power or energy in a municipality, the corporation of which has entered into an agreement with the Commission for the supply of electrical power or energy, and contract for the sale and transfer to such municipal corporation of such plant, equipment and land upon such terms and for such price, not being less than the price paid by the Commission, with the expenses in connection with such purchase or expropriation added thereto, as may be agreed upon; but if part only of the property is taken the damage done to the property by the severance shall be taken into consideration in determining the compensation; R.S.O. 1927, c. 57, s. 20 (1), cls. c-g.

Purchasing shares in companies.

- (gg) acquire from time to time by purchase in the open market or otherwise, shares or stock in or the securities of any incorporated company carrying on the business of developing, dis-

tributing or transmitting electrical power or energy and for the purposes of this Act the acquisition of such shares, or stock, or securities shall be an investment in works; 1930, c. 12, s. 5;

To acquire stock in development companies.

- (h) acquire by purchase or otherwise on any terms and hold shares in any incorporated company carrying on the business of developing, supplying or transmitting electrical power or energy; and in connection with any such acquisition enter into any covenants and agreements, and pay for any such shares either in cash or in bonds, debentures or other securities of the Commission, and guarantee, or covenant or agree for or in respect of the payment or performance of any bonds, debentures, securities, contracts or obligations of any company shares in which are so acquired, or of any company shares in which are held by any company in which shares are so acquired; and for the purposes of this Act the acquisition of shares of such companies shall be deemed to be an investment in works.

To lease or operate works of others.

- (i) lease or operate the works for the generation, transmission, distribution or use of electrical energy of any person, firm or corporation on such terms as the Commission may arrange with the owner;

To issue bonds, etc., for above purposes.

- (j) issue bonds, debentures or other securities of the Commission for any of the purposes set out in paragraphs (a) to (i), in such form and containing such terms and at such rate of interest and payable in such manner and at such time or times as the Lieutenant-Governor in council may determine. R.S.O. 1927, c. 57, s. 20, subs. 1, cls. h-j.

The Commission to have powers of Minister of Public Works.

- (3) In relation to all matters authorized by the Lieutenant-Governor in Council under any of the provisions of this section, the Commission shall have, and may exercise and enjoy, in addition to the powers conferred by this or any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words "The Minister," "The Department" or "The Crown" appear in the said Act, they shall, where the context permits mean and include the Commission.

20.—(3) As the Act stands at present *The Public Works Act* is made applicable to the Commission and particularly the sections which deal with the taking of land.

Mode of
perfecting
title.

- (4) Upon the deposit in the proper Registry or Land Titles Office of a plan and description of the land required by the Commission, signed by the Secretary or by an Ontario Land Surveyor, the land so described shall thereupon become and be vested in the Commission.

Procedure.

- (5) Except where the Commission is proceeding under the provisions of section 21, the Commission shall in the exercise of powers authorized by this section and section 26, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Powers of
Board.

- (6) Where the Commission elects to have the compensation determined by the Ontario Railway and Municipal Board, under the provisions of section 28 of *The Public Works Act*, the Board shall in addition to the powers conferred upon it by the said section 28 of *The Public Works Act*, and by *The Railway and Municipal Board Act*, have the power, upon the application of the Commission or the owner, to direct the filing and serving of pleadings, and particulars thereof, and to direct discovery and production as in actions in the Supreme Court, and in accordance with the rules of practice in that behalf.
- (7) The Lieutenant-Governor in Council may direct that any authorization to the Commission heretofore or hereafter given shall be retroactive, when the same shall be deemed to have taken effect from the time so fixed.
- (8) No act or proceeding of the Commission pursuant to any authorization of the Lieutenant-Governor in Council under this section shall be restrained by injunction or other process or proceeding in any court.

21.—(1) Notwithstanding anything in this or any other Act, whenever the Commission has been authorized by the Lieutenant-Governor in Council to exercise any of the powers set out in clause *c* of subsection 2 of section 20 it may proceed under the following provisions of this section.

Mode of
exercising
and extent
of powers.

- (2) The Commission may without notice and without the deposit of any plan or description or any pre-

20.—(4) This is new and follows *The Public Works Act*.

20.—(5) This describes the procedure to be followed where the Commission does not proceed under section 21 which is the new section dealing with the taking of land or easements for right-of-way.

20.—(6) This relates to procedure before the Railway and Municipal Board and somewhat enlarges the powers of the Board as to matters of practice.

20.—(7) Subsection 2 of section 20 begins with the words "The Lieutenant-Governor in Council upon the recommendation of the Commission may authorize the Commission, etc." This subsection is to allow the Lieutenant-Governor to date back the authorization so as to remove any danger of advantage being taken of technical omissions giving the Commission the necessary authority to proceed.

20.—(8) This is intended to prevent work being held up by what are known as "extraordinary remedies." At the present time no action or other proceeding can be taken against the Commission without the consent of the Attorney-General.

21. This section is of very great importance and is intended to facilitate the settlement of compensation for damages in the promptest and most economical manner and at the same time give the parties suitable remedies when they deem themselves aggrieved.

requisite or preliminary action or formality, and with or without the consent of the owner thereof, enter upon, take possession of and use for such time as the Commission may deem desirable any land which the Commission may deem to be required for the due exercise of the powers so authorized.

Compensation .

- (3) Compensation shall be made to the owner for the land taken or used and for all damage to property resulting from the exercise of the said powers, and in fixing such compensation regard shall in all cases be had to the value of the land taken, or to the nature and extent of the estate, right, privilege, easement, or interest which the Commission decides to take and acquire in, over, upon or in respect of the land as the case may be, and the compensation shall be based thereon.

Rev. Stat.
c. 57,
How far to
apply.

- (4) Where the amount of the compensation has been agreed upon or fixed or otherwise determined, all of the provisions of *The Public Works Act* as to the payment or other disposition and application of the compensation or money payable in respect of the land, right or easement taken by the Commission shall, *mutatis mutandis*, apply.

Appoint-
ment of
and powers
of valuator.

- (5) The Lieutenant-Governor in Council may from time to time appoint some suitable person as a valuator, who shall receive his reasonable and necessary travelling and other expenses and such salary as may be fixed by the Lieutenant-Governor in Council, and the same shall be paid by the Commission as part of its general administration expense. When no agreement is arrived at as to the amount of compensation to be paid to the owner, the valuator shall as soon as conveniently may be after a request to him either from the owner or the Commission, secure from the Commission a description of the land, right or easement which the Commission requires or has taken from the owner and make such inquiries and inspection and procure such expert advice as he may think desirable and in accordance with subsection 3 fix and determine the compensation to be paid for such land, right or easement, and notify by registered letter the owner and the Commission of such finding.

Appeal from
valuator.

- (6) Either the owner or the Commission, if dissatisfied with the amount of the compensation so fixed, may appeal within thirty days after the mailing of the notice of finding by the valuator by giving notice to the other that an appeal is desired from the same.

21.—(5) This substitutes "valuator" for the "arbitrator" provided for in the present section 30. It is doubtful that it was ever the intention that the officer appointed under that section should act as arbitrator. It will be seen that the procedure outlined in the new section 21 will save both the owner and the Commission a great deal of expense and trouble by substituting a new method of settling claims for compensation.

Who to hear
appeals.

- (7) Upon the request of the Commission, the Lieutenant-Governor in Council may from time to time designate a judge of the Supreme Court or a judge of a county or district court to hear and dispose of such of the said appeals as the Commission may direct or the Commission may from time to time refer any of such appeals to the Ontario Railway and Municipal Board, and the same may be heard and disposed of by any member thereof. If a judge is so designated he shall receive his reasonable and necessary travelling expenses and such fee as may be fixed from time to time by the Lieutenant-Governor in Council and the same shall be paid by the Commission as part of its general administration expenses.

Powers of
judge or
Board on
appeal.

- (8) The judge or the Board or any member thereof, as the case may be, shall appoint such time and place and give such notice of the hearing of appeals as may be thought proper and most convenient and such judge or Board or any member thereof shall for the purposes of this section have all the powers which are conferred upon the Ontario Railway and Municipal Board by subsections 3 and 4 of section 20 of *The Railway and Municipal Board Act* and the provisions of that Act with respect to procedure and the enforcement of orders made hereunder from time to time shall, *mutatis mutandis*, apply.

Costs of
appeal.

- (9) In the notice of appeal the appellant shall set out the amount which the appellant deems proper to have been fixed by the valuator and if, where the owner is the appellant, he fails to recover anything more than the amount fixed by the valuator, or if where the Commission is the appellant it fails to have the amount so fixed reduced, then the costs of the proceedings as between party and party shall be payable by the appellant. If under the provisions of this subsection the costs are payable to the Commission the same may be deducted from the compensation payable.

Scale of
costs.

- (10) If the difference between the amount fixed by the valuator and the amount awarded by the judge or Board or member thereof, is within the jurisdiction conferred upon the county or division courts in respect of actions for damages, the costs shall be taxed upon the scale of the county or division court as the case may be, and if such difference is greater than the amount in which the county court would have jurisdiction as aforesaid, then such costs shall be taxed upon the Supreme Court scale. If it appears on such appeal that the claim to compensa-

21.—(7) This provides for appeal by either side to a judge of the Supreme Court or a judge of a county or district court designated from time to time by the Lieutenant-Governor in Council, or to the Railway and Municipal Board. This subsection may appear to be one-sided but it is not so in reality. The whole idea is to save expense and serve the convenience of the public. If a power line was entering the city of Toronto, for example, the Railway and Municipal Board would probably be the best body to hear any appeals. The idea of designating a judge for the purpose of hearing appeals is that a judge in the locality where the proceedings are being taken will be able to hear the appeals, or some judge in the same county court district.

21.—(8) The provisions of *The Railway and Municipal Board Act* referred to in this subsection are those which authorize the Board to hear and determine questions of law or fact and which give the Board power to amend proceedings and generally to exercise the powers, rights and privileges vested in a judge of the Supreme Court.

21.—(9, 10) These subsections are intended to make applicable the provisions with regard to costs of appeal.

tion put forward by the owner is grossly excessive, and the expense of the Commission has been thereby increased, the judge or Board or member thereof may fix and allow to the Commission by way of set-off against such costs as may be awarded to the owner hereunder, the amount of such excess expense.

Mode of
perfecting
title.

- (11) The owner shall upon reasonable notice attend at a place to be fixed by the Commission, and execute such necessary instruments or documents as the Commission may require upon tender to him of the Commission's cheque for the amount awarded by the judge or Board or member thereof or fixed by the valuator, and costs, if any, less such costs as may have been awarded against him, and in the event of his failing to attend and execute such instruments or documents, or if for any reason the Commission deems it desirable, the Commission may file in the registry office or land titles office, as the case may be, in the district or county in which the land affected is situate, a plan and description of the land, right or easement so taken, signed by the Secretary of the Commission, or by an Ontario Land Surveyor, and thereupon such land, right or easement shall be and become vested in the Commission.

Appeals.

- 22.—(1) In cases under section 21, either the Commission or the owner may, subject to the provisions of subsection 2 of section 23a, appeal to the Appellate Division from the order of the judge or the Board or member thereof, and in all other cases, either the Commission or the owner may appeal to the Appellate Division from the order of the judge or the Board as the case may be.
- (2) Where the appeal is taken under the provisions of subsection 1, section 47 of *The Railway and Municipal Board Act* as to appeals from the Board shall apply.

Removal of
trees and
obstructions
beside right-
of-way.

23. The powers conferred upon the Commission by or under the authority of this Act, shall include the right to enter upon any land upon either side of the right-of-way acquired for the transmission or distribution lines or works of the Commission, or upon any land upon either side of such lines or works, and to fell or remove any trees or branches thereof or any other obstruction upon any such land or upon any public highway or place which, in the opinion of the Commission, it is necessary to fell or remove, but

21.—(11) This is intended, as the side note indicates, for the purpose of perfecting title to whatever the Commission may have taken and is ready to pay for.

22. This provides for an appeal by either side from the Supreme Court or county court judge or the Board, to the Appellate Division. Section 47 of *The Railway and Municipal Board Act* which is referred to in subsection 2, deals with appeals from the Railway and Municipal Board to the Appellate Division. It is not intended to be used except in cases where the amount involved is large. It is obvious that the construction of an ordinary transmission line through a rural district, or perhaps through districts which are not cultivated at all, is a very different thing from the construction of a transmission line where the same will enter a large city and this is the reason for the Act being drawn in its present form. An entrance into the city of Toronto, for example, involves a very considerable amount of compensation for expropriation, etc. There will perhaps be other cases involving large amounts which should be heard by an arbitrator under *The Public Works Act*.

23. This is the same as the present section 23 which was enacted in 1927 and is repeated here in order that this set of sections may be complete.

subject always to the payment of compensation as provided in section 21 of this Act, and the said section shall apply to the exercise of the powers mentioned in this section. R.S.O. 1927, c. 57, s. 23.

Owner to
give notice
of crop
damage.

23a.—(1) Notwithstanding anything in section 21 where a claim is made against the Commission for damage to crops, gardens, shrubs, trees or other growing things, caused by or incidental to the construction, maintenance or repair of poles, wires, towers, or works included in or connected with power transmission lines, notice of such claim shall be given in writing, signed by the claimant at as early a date as possible, and so that the nature, character, extent and evidence of the damage may still be apparent, and in any case, not later than sixty days after the cause for complaint arose.

Effect of
failure to
give notice.

(2) If a claim is made after the time limited by subsection 1, and the claimant has failed to give the notice therein required, either the Commission or the owner may notwithstanding such failure, request the valuator to attend and investigate the damage complained of. The valuator, if satisfied that there was reasonable excuse for the failure to give or the insufficiency of, the notice, and that the Commission was not thereby prejudiced, may award such compensation as may appear to him to be just and in that event, the finding of the valuator shall be final and binding upon the owner, and the Commission. *New.*

Powers of
Commission
as to
wires, poles
and
conduits.

24. In the exercise of the powers conferred and in carrying out any work authorized by this Act or any other general or special Act, the Commission has and always has had authority to carry its wires along, upon, under and across any public highway or street, and to erect poles and put down conduits and all other structures necessary for that purpose, and to take down, remove, or take up the same without taking any of the proceedings prescribed by this Act for the taking of land without the consent of the owner thereof, and the provisions of this Act with regard to compensation for lands so taken shall not apply, but the location of any poles, conduits, lines or other structures of the Commission to be hereafter erected, put down or constructed upon a highway shall be agreed upon by the Commission and the municipal corporation or other authority having control of the highway, or in case of disagreement shall be determined by the Ontario Railway and Municipal Board. R.S.O. 1927, c. 57, s. 24.

23a.—(1) This is new and is intended to provide for as speedy as possible a settlement of claims for damages to crops, etc. It will be noticed that no date is fixed for giving notice of the claim for damages but it is to be given at "as early a date as possible so that the nature, character, extent and evidence of the damage may still be apparent." The period of thirty days in the original Bill has been extended to sixty days as the ultimate time for appeal.

(2) This has been changed so as to make the finding of the valuator final and binding. In the former section there was a right of appeal given to the Commission but not to the owner. They are placed by this subsection on equal terms.

24-29. These sections are the same as sections 24, 25, 26, 27, 28 and 29 of the present Act.

Cost of
improve-
ments.

Rev. Stat.,
c. 56.

Buildings.

Expense
repayable by
muni-
cipalities.

Sale of lands
no longer
required.

Abandon-
ment of
lands after
expropria-
tion.

Total
abandon-
ment.

25. Wherever in the course of constructing, reconstructing, altering or improving any highway it becomes necessary to take up, remove or change the location of poles, wires, conduits, transformers or other appliances or works placed on or under a highway by the Commission, the costs and expenses incurred in such work shall be apportioned and paid in the manner provided by sections 2 and 3 of *The Public Service Works on Highways Act*, and the said section shall apply to the Commission in the same manner and to the same extent as to a municipal corporation, commission, company or individual owing or operating appliances or works mentioned in the said section. R.S.O. 1927, c. 57, s. 25.

26.—(1) The Commission may expropriate, purchase, lease or otherwise acquire lands which the Commission may deem necessary for office, service, or other buildings, and may erect thereon such buildings and works as the Commission may require for its purposes.

(2) All expenditures by the Commission for the purposes mentioned in subsection 1 shall be repayable to the Commission by the municipal corporations having contracts with the Commission, and shall be repaid by annual sums sufficient to form in forty years a sinking fund for the repayment of the cost thereof. R.S.O. 1927, c. 57, s. 26.

27. The Commission may, upon such terms as it deems proper, lease, sell or otherwise dispose of any property, real or personal, which the Commission may deem unnecessary for its purposes. R.S.O. 1927, c. 57, s. 27.

28.—(1) Where any of the compulsory powers mentioned in section 20 are exercised with respect to land, and no entry on or use of the land taken has been made, except for the purpose of survey or examination, the Commission, at any time before the expiration of three months from the date of the award, may, by writing under the hand of the chairman and the seal of the Commission, registered in the proper registry or land titles office, declare that the land or any part thereof is not required and is abandoned by the Commission; and thereupon the land declared to be abandoned shall revert in the person from whom it was taken, or in those entitled to claim under him.

(2) Where the land taken, or any part thereof, is abandoned, the person from whom it was taken shall be

Partial
abandon-
ment.

entitled to all damages sustained and all costs incurred by him in consequence of the taking and abandonment; and where part only of the land is abandoned the fact of such abandonment and the damages, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation, and the amount of the damages, shall, subject to the provisions of section 21, be determined in the manner provided by *The Public Works Act*, and if a reference as to compensation is pending, shall be determined on such reference. R.S.O. 1927, c. 57, s. 28.

Rev. Stat.,
c. 52.

Extent of
powers of
expropria-
tion.

29. The compulsory powers conferred by this Act shall extend to land, works, rights, powers, privileges and property notwithstanding that they are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking land compulsorily. R.S.O. 1927, c. 57, s. 29.

Adjustment
of propor-
tions of cost
of works on
waters.

- 30.—(1) Where in the exercise of the powers conferred by this Act the Commission constructs any works or improvements upon any lake, river, stream or other body of water the Lieutenant-Governor in Council may direct a judge of the Supreme Court or the judge of the county or district court to enquire into and determine the proportion in which any municipal or other corporation, company or individual owning a water power or water power site, whether developed or not, is benefited by such works or improvements and the judge may make an order fixing the proportion in which the cost of such works and improvements shall be borne by any such municipal or other corporation, company or individual and by the Province respectively.

Apportion-
ment of costs
of works
heretofore
constructed.

- (2) Where under an agreement or any instrument purporting to be an agreement with a municipal corporation the Commission has heretofore constructed works or improvements upon any lake, river, stream or other body of water and it appears to the Lieutenant-Governor in Council that such works or improvements are or may be of benefit to, or increase the value of the land of any individual or corporation other than such municipal corporation, the Lieutenant-Governor in Council may direct a judge of the Supreme Court, or a judge of a county or district court, to inquire into and determine the proportion in which such municipal corporation and any such

30. The first part of this section was originally part of section 20 but as it deals only with an exceptional case and has a great deal of special machinery for carrying subsection 2 into effect it has been thought better to place it here. The original clauses were added to section 20 many years ago and were found to be unworkable without special provision for the apportionment of the cost of improvement of waterways among persons who were benefited thereby. No change is made in the law. The change is merely a matter of rearrangement.

individual or other corporation are or may be respectively benefited or the value of the land of any of them increased by such works or improvements, and the judge may make an order fixing the portion in which the cost of such works or improvements shall be borne by the municipal corporation party to such agreement or instrument, and by any such individual or corporation and by the Province respectively, and may fix such proportion without regard to the terms of such agreement or instrument. 1929, c. 20, s. 4.

Judge's powers on inquiry as to apportionment of costs of waterway improvement.

- (a) The judge, upon an inquiry under this section, shall have the like powers as a judge sitting in court including the power to compel the attendance of witnesses, to hear evidence on oath and to require the production of books, papers, documents, matters and things and the order of the judge shall be enforceable in the manner provided by *The Judges' Orders Enforcement Act*. 1930, c. 12, s. 6.

Rev. Stat., c. 111.

When costs not to be awarded.

- (3) No costs shall be awarded to any party appearing before the judge or otherwise interested in the inquiry. 1929, c. 20, s. 4.

Fees and expenses.

- (4) The judge shall be paid such fees and expenses as shall be fixed by the Lieutenant-Governor in Council. 1929, c. 20, s. 4.

Cost of works, etc.,—what to include.

- (5) For the purposes of this section the cost of the works or improvements shall be deemed to include all expenditures, charges and expenses as fixed by the Commission made or incurred by it in respect of the construction of such works or improvements, extensions and additions thereto, interest charges, operating expenses, repairs and maintenance, down to the date of the order of the judge, the fees and expenses of the judge and the expenses incurred by the Commission in connection with the inquiry. 1929, c. 20, s. 4.

Appeal.

- (6) Any person, or any municipal or other corporation affected by the order made under the authority of subsection 1 or subsection 2 may, with the consent in writing of the Commission, appeal from such order to the Appellate Division. 1929, c. 20, s. 4.

Sinking fund.

- (7) (a) The Commission may establish a sinking fund to be provided by the parties in the proportions directed by the order of the judge sufficient to dis-

charge and pay off the cost of such works or improvements and such of the capital costs as may be incurred from time to time by the Commission after the date of the order of the judge within such periods as the Commission may fix having regard to the life of such works or improvements and not exceeding forty years. 1929, c. 20, s. 4.

Annual apportionment of costs by Commission.

- (b) The Commission shall subsequent to the order of the judge annually fix and determine the costs, charges or expenses incurred by it from time to time in the operation, maintenance, repair and renewal of such works and shall apportion and charge the same against the parties in the proportions fixed by the order of the judge together with the payments in respect of sinking fund hereinbefore mentioned and the amounts so charged shall be payable on demand recoverable in the manner hereinafter provided. 1929, c. 20, s. 4.

Allowance for previous expenditure.

- (8) In fixing the amounts so payable the Commission shall give credit for any amount theretofore contributed to the cost of such works and improvements by a municipal or other corporation or by any individual. 1929, c. 20, s. 4.

Recovery of amount assessed.

- (9) The amount so found payable by a municipal corporation shall be recoverable in the like manner as in the case of a charge for any other service rendered by the Commission to a municipal corporation and in the case of any other corporation or of an individual the amount so found due shall constitute a debt due to the Commission and shall be recoverable in any court of competent jurisdiction from the owners from time to time of the lands so found by the order of the judge to be benefited by such works or improvements and shall constitute a lien or charge upon such lands enforceable in the same manner and by the same proceedings as nearly as may be as in the case of a charge in favour of the Crown. 1929, c. 20, s. 4.

Share of Province,—how payable.

- (10) Where a proportion of the cost of such works and improvements is to be borne by the Province the amount due from time to time in respect thereof shall be payable out of any moneys appropriated by the Legislature for that purpose. 1929, c. 20, s. 4.

How far order to be final and binding.

- (11) When the proportions in which the cost of such works or improvements is to be borne have been fixed by order of the judge or of the Appellate Division such

order shall be final and binding unless and until it shall appear to the Commission that owing to change of circumstances or conditions in respect of such works or improvements it is equitable that there should be a readjustment of the proportions theretofore fixed by the order of the judge and in that case upon the application of any person liable to contribute to the cost of such works or improvements, made with the consent in writing of the Commission, the judge may make further inquiry and may readjust such proportions to be thereafter applied in such manner as he may deem just and equitable subject to appeal as hereinbefore provided. 1929, c. 20, s. 4.

Rev. Stat.,
c. 57, s. 49,
subs. 5,
amended.

4. Subsection 5 of section 49 of *The Power Commission Act* is amended by inserting the words "principal or" before the words "sinking fund" in the fifth line thereof, and is further amended by inserting the word "of" before the word "interest" in the fifth line thereof.

Rev. Stat.,
c. 57, s. 64,
subs. 8
(1929,
c. 20, s. 6),
amended.

5. Subsection 8 of section 64 of *The Power Commission Act* as enacted by section 6 of *The Power Commission Act, 1929*, is amended by inserting after the word "costs" in the tenth line thereof the words "at any time," and is further amended by inserting after the word "area" in the eleventh line thereof the words "whether under this Act or *The Local Improvement Act*," and is further amended by adding before the word "only" in the thirteenth line thereof the following words, "it shall not be necessary to levy any special rate under *The Local Improvement Act* to provide for the payments which would otherwise be levied under the said Act in respect of the lands included in the area;"

Street
lighting
on local
improve-
ment plan.

Rev. Stat.,
c. 57, s. 80,
amended.

6. Section 80 of *The Power Commission Act* is amended by adding thereto the following subsection:

Proving
regulations
as to installa-
tions, etc.

- (12) The regulations passed pursuant to this section may be proved by the production of a copy of such rules and regulations certified to by the Secretary and bearing the seal of the Commission and the production of such certified copy bearing the seal of the Commission shall be *prima facie* evidence of the due execution thereof by the said Secretary.

Rev. Stat.,
c. 57, s. 81,
amended.

7. Section 81 of *The Power Commission Act* is amended by adding thereto the following subsections:

Municipal
debentures
for extension
or improve-
ment.

- (5) The provisions of this section shall not apply to any by-law or by-laws authorizing the issue of debentures to defray the cost of, or to repay temporary loans incurred in connection with any works mentioned in

A distinction may be drawn between sections 4 to 9 and sections 10 to 13 of the proposed Bill. Sections 4 to 9 are attempts to cure defects reported during the year, by means of short amendments to individual sections. Sections 10 to 13 are intended to validate the transfers to the Commission of the property of the companies purchased, and to vest these properties in the Commission.

Section 4. In the section dealing with voted areas, namely, section 49—provision was made for levying the rate necessary to pay sinking fund and interest on the debentures. Solicitors representing a township pointed out that a great many debentures now are serial debentures. The amendment provides for this by including principal as well as sinking fund.

Section 5. In the 1929 addition to the code for township street lighting provision was made for including in a street lighting area territory where street lighting had already been installed on a local improvement basis. The intent has always been that after including part of a local improvement scheme in a street lighting area, that proportion of the annual charges for the street lighting debentures should be raised in the equal rate assessed over the street lighting area. To make perfectly plain that this applies to debentures previously issued, and therefore, costs previously incurred, the amendment proposed in section 5 has been drafted. In addition, there is a provision relieving of the necessity to still levy within the area on the local improvement scheme. This has been found necessary because at least one clerk insisted on continuing to levy on the local improvement basis. There is a similar provision in section 32 of *The Public Utilities Act* where moneys have been provided from revenues of the utility and the treasurer, therefore, does not need to levy in the tax rate for debentures.

Section 6. For convenience for producing evidence in court it is desired to use the printed copy of the Commission's regulations under the certificate of the secretary and the seal of the Commission. For this purpose subsection 12 has been added to section 80. Without this amendment a technical objection under the law of evidence might require production of an original order-in-council and this would be not only inconvenient to the Commission but also to the staff at the Parliament Buildings.

Section 7. Considerable difficulty has been experienced in relation to approval of municipal extensions, more particularly ornamental street lighting. The proposed amendment will, first, make clear that the approval given by the Commission of the estimated cost will be sufficient so long as the actual cost and amount of debenture issued do not exceed it by more than five per cent. Second, exclude ornamental street lighting on the local improvement basis.

subsection 1 hereof, when the estimated cost of such works and the borrowing of such estimated cost has been approved by the Commission and the principal amount of the debentures so authorized does not exceed the estimated cost aforesaid by more than five per cent.

Restriction
as to appli-
cation of
local im-
provement
by-law.

- (6) Equipment, plant and works constructed and erected on petition only as defined in clause *n* of subsection 1 of section 2 of *The Local Improvement Act* shall not be deemed extensions or improvements within the meaning of this section.

Rev. Stat.,
c. 57, s. 97,
subs. 1,
amended.

- 8.—(1) Subsection 1 of section 97 of *The Power Commission Act* is amended by inserting before the word "Notwithstanding" at the commencement thereof the words "Except as provided in this section."

Appoint-
ment of
municipal
commissions.

- (2) Subsection 2 of section 97 of *The Power Commission Act* is amended by striking out the words "at its first meeting in each year" in the tenth line and is further amended by striking out the word "or" in the thirteenth line and substituting therefor the word "and".

Rev. Stat.,
c. 57, s. 97,
amended.

- (3) Section 97 of *The Power Commission Act* is amended by adding thereto the following subsection:

Order of
appoint-
ments on
city
commission.

- (3) The order of the appointment of Commissioners provided for in subsection 2 shall be that the Commission may, if it sees fit to do so and has not at the time the vacancy occurs an appointee holding office on the municipal commission, first make an appointment. If the Commission desires to defer its appointment until the next vacancy occurs the council of the city shall make such appointment, but nothing in this subsection or in subsection 2 shall have the effect of removing from office any member of such municipal commission until his term of office shall have expired.

Rev. Stat.,
c. 57, s. 98,
subs. 1,
amended.

9. Subsection 1 of section 98 of *The Power Commission Act* is amended by adding thereto the following as clause *c*:

Prohibition
of municipal
commis-
sioners being
interested in
certain
concerns.

- (c) Act as director, officer or employee of any company referred to in clause (a), or having any interest referred to in clause (b), or act as trustee, agent or representative of any firm or individual in respect of any business or interest referred to in clause (a) or clause (b).

Sale of
Wahnapiatae
Company's
assets
confirmed.

10. The two agreements each dated 30th day of April, A.D. 1930, for sale and transfer to Wahnapiatae Power Com-

Section 8. Three amendments are suggested to section 97 dealing with the election or appointment of municipal Commissions. The purpose of the first two is to clarify the meaning and eliminate any apparent contradiction in the wording. In addition a new subsection 3 is added establishing the order in which appointments shall be made by the Ontario Commission and by the local council. This was part of the procedure which was not clear before.

Section 9. A commissioner in another city was executor under a will where a business was being carried on which included supply of electrical appliances and, on the incorporation of this business he wished to act as director. The intent of section 98 appeared to be against such a conflict of interests. To make the matter clear an additional clause is proposed to subsection (1).

Sections 10 to 13. The several agreements transferring property to the Commission are validated and the property vested in the Commission. The form used follows that used on previous occasions.

pany Limited by its two subsidiary companies, Upper Wahnapi-
 pitae River Improvement Company Limited and Wahnapi-
 pitae Boom and Timber Slide Company Limited, of all the prop-
 erties, rights, assets, franchises and undertakings of each of
 the said subsidiary companies respectively, and also the
 agreement dated 30th day of April, A.D. 1930, for sale and
 transfer by Wahnapi-
 pitae Power Company Limited of all its
 properties, rights, assets, franchises and undertakings to The
 Hydro-Electric Power Commission of Ontario in which the
 Montreal Trust Company joined as a Party are all hereby
 confirmed and declared to be legal, valid and binding to all
 intents and purposes and to have been authorized by *The*
Power Commission and Companies Transfer Act, 1930.

1930, c. 16.

Sale of
 Galetta
 Company's
 assets
 confirmed.

11. The agreement dated the 30th day of April, A.D. 1930,
 for sale and transfer by The Galetta Electric Power and
 Milling Company Limited of all its properties, rights, assets,
 franchises and undertakings to The Hydro-Electric Power
 Commission of Ontario is hereby confirmed and declared to
 be legal, valid and binding to all intents and purposes.

Agreements
 for transfer
 of assets of
 certain
 companies
 confirmed.







12. The agreement dated the 31st day of March, A.D. 1930,
 for sale and transfer by Public Utilities Consolidated Corpora-
 tion of all its Ontario properties, rights, assets, franchises and
 undertakings to The Hydro-Electric Power Commission of
 Ontario, and the two agreements each dated the 1st day of
 October, A.D. 1930, for sale and transfer by The Walkerton
 Electric Light and Power Company Limited and by The
 Saugeen Electric Light and Power Company of Ontario
 Limited of all the properties, rights, assets, franchises and
 undertakings of each of the said companies respectively to
 The Hydro-Electric Power Commission of Ontario are all
 hereby confirmed and declared to be legal, valid and binding
 to all intents and purposes.

Confirma-
 tion of title.

13. All and every part of the properties, assets, contracts,
 easements, rights, privileges, licenses, franchises and under-
 takings agreed to be sold to the Commission by any of the
 said agreements mentioned in sections 8, 9 and 10 or conveyed
 or purported to be conveyed to the said Commission thereby
 shall be, and shall be deemed to have been from the date of
 the respective agreement selling, conveying or purporting to
 convey the same, vested in and the property of the Commission
 free from all liens, charges and encumbrances save only that
 everything agreed to be sold, conveyed or purported to be
 conveyed under the said agreement for sale and transfer from
 Wahnapi-
 pitae Power Company Limited to The Hydro-Electric
 Power Commission of Ontario dated the 30th day of April,
 A.D. 1930, shall be subject to the indenture of mortgage dated
 the 1st day of November, A.D. 1924, given by the Wahna-
 pitae Power Company Limited to Montreal Trust Company
 as provided in *The Power Commission and Companies Transfer*
Act, 1930.

1930, c. 16.

By-laws
confirmed.

14. By-law number 1317 of the corporation of the town of Napanee; by-laws numbers 854 and 855 of the corporation of the town of Deseronto;  by-law number 818 of the corporation of the town of Southampton; by-laws numbers 1462, 1463 and 1482 of the corporation of the town of Walkerton; by-laws numbers 306 and 307 of the corporation of the town of Wiarton;  by-law number A 196 of the corporation of the village of Brighton; by-laws numbers 265 and 267 of the corporation of the village of Cardinal; by-laws numbers 706 and 707 of the corporation of the village of Hastings; by-law number 442 of the corporation of the village of Madoc;  by-laws numbers 778, 779 and 786 of the corporation of the village of Port Elgin;  by-law number 391 of the corporation of the village of Stirling; by-law number 351 of the corporation of the village of Tweed; by-law number 31 of 1929 of the corporation of the village of Windermere; by-law number 182 of the corporation of the township of Ameliasburg; by-law number 785 of the corporation of the township of Ancaster; by-law number 1047 of the corporation of the township of Bastard and Burgess South; by-laws numbers 614 and 615 of the corporation of the township of Camden East; by-law number A-11 of the corporation of the township of Crosby South; by-law number 1078 of the corporation of the township of East Whitby; by-law number 1228 of the corporation of the township of Hamilton; by-law number 420 of the corporation of the township of Hillier; by-law number 488 of the corporation of the township of Hungerford; by-law number 256 of the corporation of the township of Kingston; by-law number 704 of the corporation of the township of Lobo; by-law number 134B of the corporation of the township of Loughborough; by-laws numbers 1049 and 1050 of the corporation of the township of Manvers; by-law number 698 of the corporation of the township of Medonte; by-law number 604 of the corporation of the township of Rainham; by-law number 549 of the corporation of the township of Rawdon; by-law number 410 of the corporation of the township of Stamford; by-law number 9 of 1930 of the corporation of the township of Thorold;  by-law number 455 of the corporation of the township of Trafalgar;  by-law number 936 of the corporation of the township of Walpole; by-law number 2 of 1930 of the corporation of the township of Welford; and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

Commence-
ment of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 14. This is the usual section validating by-laws.

BILL

An Act to amend The Power Commission
Act.

1st Reading

March 19th, 1931

2nd Reading

March 25th, 1931

3rd Reading

MR. COOKE

*(Reprinted with suggested amendments for
consideration in Committee of the
Whole House)*

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Power Commission Act.

MR. COOKE

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 133

1931

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Power Commission Act, 1931*.

Rev. Stat.,
c. 57, s. 1,
amended. **2.** Section 1 of *The Power Commission Act* is amended by adding thereto the following clauses:

"Land." (d) "Land" shall mean real property of whatsoever nature or kind, and shall include tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land.

"Owner." (e) "Owner" shall include mortgagee, lessee, tenant, occupant, or any person entitled to a limited estate or interest, and a guardian, committee, executor, administrator or trustee in whom land or any property or interest therein is vested.

Rev. Stat.,
c. 57, ss. 20
to 30
repealed. **3.** Sections 20 to 30 of *The Power Commission Act* are repealed and the following substituted therefor:

20.—(1) The Lieutenant-Governor in Council may authorize the Commission at any time and from time to time, to acquire by purchase, lease, or in any other manner, or without the consent of the owner thereof to enter upon, take possession of, expropriate and use, any land, lake, river, stream, or other body of water or watercourse, and temporarily or permanently to divert or alter the boundaries or course of any lake, river, stream or other body of water or watercourse, or raise or lower the level of the same or flood or overflow any land. *New.*

Power may
be given to
Commission. (2) In particular, but without limiting the generality of subsection 1 hereof, the Lieutenant-Governor in

Council, upon the recommendation of the Commission, may authorize the Commission to

- (a) acquire by purchase, lease or otherwise, or without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, the land, waters, water privileges, water powers and works, of any person owning, holding under lease or otherwise, or developing, operating or using the same for generating, or adapted for generating electrical power or energy or for the transmission thereof in Ontario; and develop and use the same for any of the purposes of this Act; R.S.O. 1927, c. 57, s. 20 (1), cl. *a*; To acquire lands, water powers and works.
- (aa) acquire by purchase the whole or any part of the property, assets and undertaking of Dominion Power and Transmission Company Limited, including shares held or owned by said company in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to maintain and operate any property or properties so acquired; 1930, c. 12, s. 4, *part*; To acquire Dominion Power and Transmission Company Limited.
- (b) acquire by purchase, lease or otherwise, and construct, maintain and operate, works for the production of electrical power or energy by the use of coal, oil or any other means whatsoever; R.S.O. 1927, c. 57, s. 20 (1) cl. *b*. To acquire and construct works for production of electricity.
- (bb) acquire by purchase, lease or otherwise, lands, waters, water privileges, water powers and works upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the production and transmission of electrical power or energy, and enter into agreements with the Crown as representing such other province, or with any commission or department of the Government of such other province, or with any corporation or person interested in or affected by such works as to Works on inter-provincial boundaries.

the terms and conditions upon which such works shall be carried on and any rights so acquired by exercised.

Acquiring shares in companies operating on such boundaries.

- (bbb) acquire by purchase in the open market or otherwise shares or stock of any company owning or controlling any such lands, waters, water privileges, water powers or works; 1930, c. 12, s. 4; *part*;

To acquire plant for transmission of power.

- (c) construct, maintain and operate, and acquire by purchase, lease or otherwise, or, without the consent of the owner thereof or of any person interested therein, enter upon, take possession of, expropriate and use, all erections, machinery, plant and other works and appliances for the transmission, supply and distribution of electrical power or energy; and conduct, store, transmit and supply electrical power or energy and steam for the purposes of this Act, and, with lines of wires, poles, conduits, pipes, motors or other conductors or devices, receive, conduct, convey, transmit, distribute, supply or furnish such electrical power or energy and steam to or from any person at any place through, over, under, along, upon or across any land, public highway or public place, stream, water, watercourse, bridge, viaduct or railway, and through, over or under the land of any person;

To contract for supply of power to Commission.

- (d) contract with any person generating, transmitting or distributing electrical power or energy, or proposing so to do, to supply electrical power or energy to the Commission; and require any person generating, transmitting or distributing electrical power or energy to supply so much thereof as the Commission may require;

To flood lands and improve water powers.

- (e) enter upon, take and use, without the consent of the owner thereof, any land upon which any water power or privilege is situate, or any lake, river, stream or other body of water which, in the opinion of the Commission, is capable of improvement or development for the purpose of providing water power, and construct such dams, sluices, canals, raceways and other works as may be deemed proper or expedient for the said purposes, and flood and overflow any land to the extent to which the Commis-

sion may deem necessary for the purpose of providing storage of the water or for any other purpose in connection with such works, and contract with any municipal corporation, company or individual for the use of any of the improvements or works so made, on such terms and conditions as may be agreed on;

- (f) enter upon, take and use, without the consent of the owner thereof, any land which may, in the opinion of the Commission, be necessary for the full enjoyment and exercise of any water right, water privilege or improvement undertaken by the Commission or by any municipal corporation or for the relief of the municipal corporation from liability for damages for the flooding or overflowing of such lands; but subject to the provisions of subsections 1 and 2 of section 30, the proceedings taken under this paragraph shall be at the sole expense of the municipal corporation, and the Commission may convey the lands so acquired to such corporation or make such other disposition thereof with the consent of such corporation as may be deemed expedient; To acquire flooded lands on behalf of municipality.
- (g) acquire by purchase or expropriate any plant, machinery, appliances, wire, poles and other equipment, and the land occupied by or used in connection therewith or any part thereof, used or intended for the distribution of electrical power or energy in a municipality, the corporation of which has entered into an agreement with the Commission for the supply of electrical power or energy, and contract for the sale and transfer to such municipal corporation of such plant, equipment and land upon such terms and for such price, not being less than the price paid by the Commission, with the expenses in connection with such purchase or expropriation added thereto, as may be agreed upon; but if part only of the property is taken the damage done to the property by the severance shall be taken into consideration in determining the compensation; R.S.O. 1927, c. 57, s. 20 (1), cls. c-g. To acquire distributing plant.
- (gg) acquire from time to time by purchase in the open market or otherwise, shares or stock in or the securities of any incorporated company carrying on the business of developing, dis- Purchasing shares in companies.

tributing or transmitting electrical power or energy and for the purposes of this Act the acquisition of such shares, or stock, or securities shall be an investment in works; 1930, c. 12, s. 5;

To acquire stock in development companies.

- (h) acquire by purchase or otherwise on any terms and hold shares in any incorporated company carrying on the business of developing, supplying or transmitting electrical power or energy; and in connection with any such acquisition enter into any covenants and agreements, and pay for any such shares either in cash or in bonds, debentures or other securities of the Commission, and guarantee, or covenant or agree for or in respect of the payment or performance of any bonds, debentures, securities, contracts or obligations of any company shares in which are so acquired, or of any company shares in which are held by any company in which shares are so acquired; and for the purposes of this Act the acquisition of shares of such companies shall be deemed to be an investment in works.

To lease or operate works of others.

- (i) lease or operate the works for the generation, transmission, distribution or use of electrical energy of any person, firm or corporation on such terms as the Commission may arrange with the owner;

To issue bonds, etc., for above purposes.

- (j) issue bonds, debentures or other securities of the Commission for any of the purposes set out in this section, in such form and containing such terms and at such rate of interest and payable in such manner and at such time or times as the Lieutenant-Governor in council may determine. R.S.O. 1927, c. 57, s. 20, subs. 1, cls. *h-j*.

The Commission to have powers of Minister of Public Works.

- (3) In relation to all matters authorized by the Lieutenant-Governor in Council under any of the provisions of this section, the Commission shall have, and may exercise and enjoy, in addition to the powers conferred by this or any other Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act*, and in the application of this section, where the words "The Minister," "The Department" or "The Crown" appear in the said Act, they shall, where the context permits mean and include the Commission.

- (4) Upon the deposit in the proper Registry or Land Titles Office of a plan and description of the land required by the Commission, signed by the Secretary or by an Ontario Land Surveyor, the land so described shall thereupon become and be vested in the Commission. Mode of perfecting title.
- (5) Except as otherwise provided in this Act the Commission shall in the exercise of its compulsory powers, authorized by this section and section 26, proceed in the manner provided by *The Public Works Act*, where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply. Procedure.
- (6) Where the Commission elects to have the compensation determined by the Ontario Railway and Municipal Board, under the provisions of section 28 of *The Public Works Act*, the Board shall in addition to the powers conferred upon it by the said section 28 of *The Public Works Act*, and by *The Railway and Municipal Board Act*, have the power, upon the application of the Commission or the owner, to direct the filing and serving of pleadings, and particulars thereof, and to direct discovery and production as in actions in the Supreme Court, and in accordance with the rules of practice in that behalf. Powers of Board.
- (7) The Lieutenant-Governor in Council may direct that any authorization to the Commission heretofore or hereafter given shall be retroactive, when the same shall be deemed to have taken effect from the time so fixed.
- (8) No act or proceeding of the Commission pursuant to any authorization of the Lieutenant-Governor in Council under this section shall be restrained by injunction or other process or proceeding in any court. *New.*
- 21.—(1) Notwithstanding anything in this or any other Act, whenever the Commission has been authorized by the Lieutenant-Governor in Council to exercise any of the powers set out in clause *c* of subsection 2 of section 20 it may proceed under the following provisions of this section.
- (2) The Commission may without notice and without the deposit of any plan or description or any pre- Mode of exercising and extent of powers.

requisite or preliminary action or formality, and with or without the consent of the owner thereof, enter upon, take possession of and use for such time as the Commission may deem desirable any land which the Commission may deem to be required for the due exercise of the powers so authorized.

Compensation

- (3) Compensation shall be made to the owner for the land taken or used and for all damage to property resulting from the exercise of the said powers, and in fixing such compensation regard shall in all cases be had to the value of the land taken, or to the nature and extent of the estate, right, privilege, easement, or interest which the Commission decides to take and acquire in, over, upon or in respect of the land as the case may be, and the compensation shall be based thereon.

Rev. Stat.
c. 57,
How far to
apply.

- (4) Where the amount of the compensation has been agreed upon or fixed or otherwise determined, all of the provisions of *The Public Works Act* as to the payment or other disposition and application of the compensation or money payable in respect of the land, right or easement taken by the Commission shall, *mutatis mutandis*, apply.

Appointment of
and powers
of valuator.

- (5) The Lieutenant-Governor in Council may from time to time appoint some suitable person as a valuator, who shall receive his reasonable and necessary travelling and other expenses and such salary as may be fixed by the Lieutenant-Governor in Council, and the same shall be paid by the Commission as part of its general administration expense. When no agreement is arrived at as to the amount of compensation to be paid to the owner, the valuator shall as soon as conveniently may be after a request to him either from the owner or the Commission, secure from the Commission a description of the land, right or easement which the Commission requires or has taken from the owner and make such inquiries and inspection and procure such expert advice as he may think desirable and in accordance with subsection 3 fix and determine the compensation to be paid for such land, right or easement, or property damage, and notify by registered letter the owner and the Commission of such finding.

Appeal from
valuator.

- (6) Either the owner or the Commission, if dissatisfied with the amount of the compensation so fixed, may appeal within thirty days after the mailing of the

notice of finding by the valuator by giving notice to the other that an appeal is desired from the same.

- (7) An appeal from the valuator shall be heard and determined by the Ontario Railway and Municipal Board or a member thereof; provided however that the Lieutenant-Governor in Council may from time to time designate a judge of the Supreme Court or a judge of a county or district court to hear and dispose of any such appeal or appeals, and where the Commission gives notice to the owner that an appeal shall be determined by a judge instead of by the Board or a member thereof, the judge designated shall hear and determine such appeal. If a judge is so designated he shall receive his reasonable and necessary travelling expenses and such fee as may be fixed from time to time by the Lieutenant-Governor in Council and the same shall be paid by the Commission as part of its general administration expenses. Who to hear appeals.
- (8) The judge or the Board or any member thereof, as the case may be, shall appoint such time and place and give such notice of the hearing of appeals as may be thought proper and most convenient and such judge or Board or any member thereof shall for the purposes of this section have all the powers which are conferred upon the Ontario Railway and Municipal Board by subsections 3 and 4 of section 20 of *The Railway and Municipal Board Act* and the provisions of that Act with respect to procedure and the enforcement of orders made hereunder from time to time shall, *mutatis mutandis*, apply. Powers of judge or Board on appeal.
- (9) In the notice of appeal the appellant shall set out the amount which the appellant deems proper to have been fixed by the valuator and if, where the owner is the appellant, he fails to recover anything more than the amount fixed by the valuator, or if where the Commission is the appellant it fails to have the amount so fixed reduced, then the costs of the proceedings as between party and party shall be payable by the appellant. If under the provisions of this subsection the costs are payable to the Commission the same may be deducted from the compensation payable. Costs of appeal.
- (10) The costs of the proceedings may be fixed by the judge or Board or member thereof at such amount as may be deemed proper, due regard being had however to the difference between the amount fixed by the valuator and the amount awarded by the judge or Board or member thereof, or may be Scale of costs.

directed to be taxed upon the scale of the division, county or Supreme Court scale, as the case may be. If it appears on such appeal that the claim to compensation put forward by the owner is grossly excessive, and the expense of the Commission has been thereby increased, the judge or Board or member thereof may fix and allow to the Commission by way of set-off against such costs as may be awarded to the owner hereunder, the amount of such excess expense.

Mode of
perfecting
title.

- (11) The owner shall upon reasonable notice attend at a place to be fixed by the Commission, and execute such necessary instruments or documents as the Commission may require upon tender to him of the Commission's cheque for the amount awarded by the judge or Board or member thereof or fixed by the valuator, and costs, if any, less such costs as may have been awarded against him, and in the event of his failing to attend and execute such instruments or documents, or if for any reason the Commission deems it desirable, the Commission may file in the registry office or land titles office, as the case may be, in the district or county in which the land affected is situate, a plan and description of the land, right or easement so taken, signed by the Secretary of the Commission, or by an Ontario Land Surveyor, and thereupon such land, right or easement shall be and become vested in the Commission.

Appeals.

- 22.—(1) In cases under section 21, either the Commission or the owner may, subject to the provisions of subsection 2 of section 23a, appeal to the Appellate Division from the order of the judge or the Board or member thereof, and in all other cases, either the Commission or the owner may appeal to the Appellate Division from the order of the judge or the Board as the case may be.
- (2) Where the appeal is taken under the provisions of subsection 1, section 47 of *The Railway and Municipal Board Act* as to appeals from the Board shall apply.

Removal of
trees and
obstructions
beside right-
of-way.

23. The powers conferred upon the Commission by or under the authority of this Act, shall include the right to enter upon any land upon either side of the right-of-way acquired for the transmission or distribution lines or works of the Commission, or upon any land upon either side of such lines or works, and to fell or remove any trees or branches thereof or any other obstruction upon any such land or upon any public highway or place which, in the opinion of the

Commission, it is necessary to fell or remove, but subject always to the payment of compensation as provided in section 21 of this Act, and the said section shall apply to the exercise of the powers mentioned in this section. R.S.O. 1927, c. 57, s. 23.

- 23a.—(1) Notwithstanding anything in section 21 where a claim is made against the Commission for damage to crops, gardens, shrubs, trees or other growing things, caused by or incidental to the construction, maintenance or repair of poles, wires, towers, or works included in or connected with power transmission lines, notice of such claim shall be given in writing, signed by the claimant at as early a date as possible, and so that the nature, character, extent and evidence of the damage may still be apparent, and in any case, not later than sixty days after the cause for complaint arose. Owner to give notice of crop damage.
- (2) If a claim is made after the time limited by subsection 1, and the claimant has failed to give the notice therein required, either the Commission or the owner may notwithstanding such failure, request the valuator to attend and investigate the damage complained of. The valuator, if satisfied that there was reasonable excuse for the failure to give or the insufficiency of, the notice, and that the Commission was not thereby prejudiced, may award such compensation as may appear to him to be just and in that event, the finding of the valuator shall be final and binding upon the owner, and the Commission. *New.* Effect of failure to give notice.
24. In the exercise of the powers conferred and in carrying out any work authorized by this Act or any other general or special Act, the Commission has and always has had authority to carry its wires along, upon, under and across any public highway or street, and to erect poles and put down conduits and all other structures necessary for that purpose, and to take down, remove, or take up the same without taking any of the proceedings prescribed by this Act for the taking of land without the consent of the owner thereof, and the provisions of this Act with regard to compensation for lands so taken shall not apply, but the location of any poles, conduits, lines or other structures of the Commission to be hereafter erected, put down or constructed upon a highway shall be agreed upon by the Commission and the municipal corporation or other authority having control of the highway, or in case of disagreement shall be determined by the Ontario Railway and Municipal Board. R.S.O. 1927, c. 57, s. 24. Powers of Commission as to wires, poles and conduits.

Cost of
improve-
ments.

25. Wherever in the course of constructing, reconstructing, altering or improving any highway it becomes necessary to take up, remove or change the location of poles, wires, conduits, transformers or other appliances or works placed on or under a highway by the Commission, the costs and expenses incurred in such work shall be apportioned and paid in the manner provided by sections 2 and 3 of *The Public Service Works on Highways Act*, and the said section shall apply to the Commission in the same manner and to the same extent as to a municipal corporation, commission, company or individual, owning or operating appliances or works mentioned in the said section. R.S.O. 1927, c. 57, s. 25.

Rev. Stat.,
c. 56.

Buildings.

- 26.—(1) The Commission may expropriate, purchase, lease or otherwise acquire lands which the Commission may deem necessary for office, service, or other buildings, and may erect thereon such buildings and works as the Commission may require for its purposes.

Expense
repayable by
municipalities.

- (2) All expenditures by the Commission for the purposes mentioned in subsection 1 shall be repayable to the Commission by the municipal corporations having contracts with the Commission, and shall be repaid by annual sums sufficient to form in forty years a sinking fund for the repayment of the cost thereof. R.S.O. 1927, c. 57, s. 26.

Sale of lands
no longer
required.

27. The Commission may, upon such terms as it deems proper, lease, sell or otherwise dispose of any property, real or personal, which the Commission may deem unnecessary for its purposes. R.S.O. 1927, c. 57, s. 27.

Abandon-
ment of
lands after
expropria-
tion.

- 28.—(1) Where any of the compulsory powers mentioned in section 20 are exercised with respect to land, and no entry on or use of the land taken has been made, except for the purpose of survey or examination, the Commission, at any time before the expiration of three months from the date of the award, may, by writing under the hand of the chairman and the seal of the Commission, registered in the proper registry or land titles office, declare that the land or any part thereof is not required and is abandoned by the Commission; and thereupon the land declared to be abandoned shall revert in the person from whom it was taken, or in those entitled to claim under him.

Total
abandon-
ment.

- (2) Where the land taken, or any part thereof, is abandoned, the person from whom it was taken shall be

entitled to all damages sustained and all costs incurred by him in consequence of the taking and abandonment; and where part only of the land is abandoned the fact of such abandonment and the damages, if any, sustained in consequence of that which is abandoned having been taken, and all the other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation, and the amount of the damages, shall, subject to the provisions of section 21, be determined in the manner provided by *The Public Works Act*, and if a reference as to compensation is pending, shall be determined on such reference. R.S.O. 1927, c. 57, s. 28.

Partial
abandon-
ment.

Rev. Stat.,
c. 52.

29. The compulsory powers conferred by this Act shall extend to land, works, rights, powers, privileges and property notwithstanding that they are or may be deemed to be devoted to a public use or that the owner thereof possesses the power of taking land compulsorily. R.S.O. 1927, c. 57, s. 29.

Extent of
powers of
expropria-
tion.

- 30.—(1) Where in the exercise of the powers conferred by this Act the Commission constructs any works or improvements upon any lake, river, stream or other body of water the Lieutenant-Governor in Council may direct a judge of the Supreme Court or the judge of the county or district court to enquire into and determine the proportion in which any municipal or other corporation, company or individual owning a water power or water power site, whether developed or not, is benefited by such works or improvements and the judge may make an order fixing the proportion in which the cost of such works and improvements shall be borne by any such municipal or other corporation, company or individual and by the Province respectively.

Adjustment
of propor-
tions of cost
of works on
waters.

- (2) Where under an agreement or any instrument purporting to be an agreement with a municipal corporation the Commission has heretofore constructed works or improvements upon any lake, river, stream or other body of water and it appears to the Lieutenant-Governor in Council that such works or improvements are or may be of benefit to, or increase the value of the land of any individual or corporation other than such municipal corporation, the Lieutenant-Governor in Council may direct a judge of the Supreme Court, or a judge of a county or district court, to inquire into and determine the proportion in which such municipal corporation and any such

Apportion-
ment of costs
of works
heretofore
constructed.

individual or other corporation are or may be respectively benefited or the value of the land of any of them increased by such works or improvements, and the judge may make an order fixing the portion in which the cost of such works or improvements shall be borne by the municipal corporation party to such agreement or instrument, and by any such individual or corporation and by the Province respectively, and may fix such proportion without regard to the terms of such agreement or instrument. 1929, c. 20, s. 4.

Judge's powers on inquiry as to apportionment of costs of waterway improvement.

- (a) The judge, upon an inquiry under this section, shall have the like powers as a judge sitting in court including the power to compel the attendance of witnesses, to hear evidence on oath and to require the production of books, papers, documents, matters and things and the order of the judge shall be enforceable in the manner provided by *The Judges' Orders Enforcement Act*. 1930, c. 12, s. 6.

Rev. Stat., c. 111.

When costs not to be awarded.

- (3) No costs shall be awarded to any party appearing before the judge or otherwise interested in the inquiry. 1929, c. 20, s. 4.

Fees and expenses.

- (4) The judge shall be paid such fees and expenses as shall be fixed by the Lieutenant-Governor in Council. 1929, c. 20, s. 4.

Cost of works, etc.—what to include.

- (5) For the purposes of this section the cost of the works or improvements shall be deemed to include all expenditures, charges and expenses as fixed by the Commission made or incurred by it in respect of the construction of such works or improvements, extensions and additions thereto, interest charges, operating expenses, repairs and maintenance, down to the date of the order of the judge, the fees and expenses of the judge and the expenses incurred by the Commission in connection with the inquiry. 1929, c. 20, s. 4.

Appeal.

- (6) Any person, or any municipal or other corporation affected by the order made under the authority of subsection 1 or subsection 2 may, with the consent in writing of the Commission, appeal from such order to the Appellate Division. 1929, c. 20, s. 4.

Sinking fund.

- (7) (a) The Commission may establish a sinking fund to be provided by the parties in the proportions directed by the order of the judge sufficient to dis-

charge and pay off the cost of such works or improvements and such of the capital costs as may be incurred from time to time by the Commission after the date of the order of the judge within such periods as the Commission may fix having regard to the life of such works or improvements and not exceeding forty years. 1929, c. 20, s. 4.

- (b) The Commission shall subsequent to the order of the judge annually fix and determine the costs, charges or expenses incurred by it from time to time in the operation, maintenance, repair and renewal of such works and shall apportion and charge the same against the parties in the proportions fixed by the order of the judge together with the payments in respect of sinking fund hereinbefore mentioned and the amounts so charged shall be payable on demand recoverable in the manner hereinafter provided. 1929, c. 20, s. 4. Annual apportionment of costs by Commission.
- (8) In fixing the amounts so payable the Commission shall give credit for any amount theretofore contributed to the cost of such works and improvements by a municipal or other corporation or by any individual. 1929, c. 20, s. 4. Allowance for previous expenditure.
- (9) The amount so found payable by a municipal corporation shall be recoverable in the like manner as in the case of a charge for any other service rendered by the Commission to a municipal corporation and in the case of any other corporation or of an individual the amount so found due shall constitute a debt due to the Commission and shall be recoverable in any court of competent jurisdiction from the owners from time to time of the lands so found by the order of the judge to be benefited by such works or improvements and shall constitute a lien or charge upon such lands enforceable in the same manner and by the same proceedings as nearly as may be as in the case of a charge in favour of the Crown. 1929, c. 20, s. 4. Recovery of amount assessed.
- (10) Where a proportion of the cost of such works and improvements is to be borne by the Province the amount due from time to time in respect thereof shall be payable out of any moneys appropriated by the Legislature for that purpose. 1929, c. 20, s. 4. Share of Province,—how payable.
- (11) When the proportions in which the cost of such works or improvements is to be borne have been fixed by order of the judge or of the Appellate Division such How far order to be final and binding.

order shall be final and binding unless and until it shall appear to the Commission that owing to change of circumstances or conditions in respect of such works or improvements it is equitable that there should be a readjustment of the proportions theretofore fixed by the order of the judge and in that case upon the application of any person liable to contribute to the cost of such works or improvements, made with the consent in writing of the Commission, the judge may make further inquiry and may readjust such proportions to be thereafter applied in such manner as he may deem just and equitable subject to appeal as hereinbefore provided. 1929, c. 20, s. 4.

Rev. Stat.,
c. 57, s. 49,
subs. 5,
amended.

4. Subsection 5 of section 49 of *The Power Commission Act* is amended by inserting the words "principal or" before the words "sinking fund" in the fifth line thereof, and is further amended by inserting the word "of" before the word "interest" in the fifth line thereof.

Rev. Stat.,
c. 57, s. 64,
subs. 8
(1929,
c. 20, s. 6),
amended.

5. Subsection 8 of section 64 of *The Power Commission Act* as enacted by section 6 of *The Power Commission Act, 1929*, is amended by inserting after the word "costs" in the tenth line thereof the words "at any time," and is further amended by inserting after the word "area" in the eleventh line thereof the words "whether under this Act or *The Local Improvement Act*," and is further amended by adding before the word "only" in the thirteenth line thereof the following words, "it shall not be necessary to levy any special rate under *The Local Improvement Act* to provide for the payments which would otherwise be levied under the said Act in respect of the lands included in the area;".

Street
lighting
on local
improve-
ment plan.

Rev. Stat.,
c. 57, s. 80,
amended.

6. Section 80 of *The Power Commission Act* is amended by adding thereto the following subsection:

Proving
regulations
as to installa-
tions, etc.

(12) The regulations passed pursuant to this section may be proved by the production of a copy of such rules and regulations certified to by the Secretary and bearing the seal of the Commission and the production of such certified copy bearing the seal of the Commission shall be *prima facie* evidence of the due execution thereof by the said Secretary.

Rev. Stat.,
c. 57, s. 81,
amended.

7. Section 81 of *The Power Commission Act* is amended by adding thereto the following subsections:

Municipal
debentures
for extension
or improve-
ment.

(5) The provisions of this section shall not apply to any by-law or by-laws authorizing the issue of debentures to defray the cost of, or to repay temporary loans incurred in connection with any works mentioned in

subsection 1 hereof, when the estimated cost of such works and the borrowing of such estimated cost has been approved by the Commission and the principal amount of the debentures so authorized does not exceed the estimated cost aforesaid by more than five per cent.

- (6) Equipment, plant and works constructed and erected on petition only as defined in clause *n* of subsection 1 of section 2 of *The Local Improvement Act* shall not be deemed extensions or improvements within the meaning of this section. Restriction as to application of local improvement by-law.

8.—(1) Subsection 1 of section 97 of *The Power Commission Act* is amended by inserting before the word "Notwithstanding" at the commencement thereof the words "Except as provided in this section." Rev. Stat., c. 57, s. 97, subs. 1, amended.

(2) Subsection 2 of section 97 of *The Power Commission Act* is amended by striking out the words "at its first meeting in each year" in the tenth line and is further amended by striking out the word "or" in the thirteenth line and substituting therefor the word "and". Appointment of municipal commissions.

(3) Section 97 of *The Power Commission Act* is amended by adding thereto the following subsection: Rev. Stat., c. 57, s. 97, amended.

- (3) The order of the appointment of Commissioners provided for in subsection 2 shall be that the Commission may, if it sees fit to do so and has not at the time the vacancy occurs an appointee holding office on the municipal commission, first make an appointment. If the Commission desires to defer its appointment until the next vacancy occurs the council of the city shall make such appointment, but nothing in this subsection or in subsection 2 shall have the effect of removing from office any member of such municipal commission until his term of office shall have expired. Order of appointments on city commission.

9. Subsection 1 of section 98 of *The Power Commission Act* is amended by adding thereto the following as clause *c*: Rev. Stat., c. 57, s. 98, subs. 1, amended.

- (c) Act as director, officer or employee of any company referred to in clause (a), or having any interest referred to in clause (b), or act as trustee, agent or representative of any firm or individual in respect of any business or interest referred to in clause (a) or clause (b). Prohibition of municipal commissioners being interested in certain concerns.

10. The two agreements each dated 30th day of April, A.D. 1930, for sale and transfer to Wahnapiatae Power Com- Sale of Wahnapiatae Company's assets confirmed.

pany Limited by its two subsidiary companies, Upper Wahnapi-
 pitae River Improvement Company Limited and Wahnapi-
 pitae Boom and Timber Slide Company Limited, of all the proper-
 ties, rights, assets, franchises and undertakings of each of
 the said subsidiary companies respectively, and also the
 agreement dated 30th day of April, A.D. 1930, for sale and
 transfer by Wahnapi-
 pitae Power Company Limited of all its
 properties, rights, assets, franchises and undertakings to The
 Hydro-Electric Power Commission of Ontario in which the
 Montreal Trust Company joined as a Party are all hereby
 confirmed and declared to be legal, valid and binding to all
 intents and purposes and to have been authorized by *The*
Power Commission and Companies Transfer Act, 1930.

1930, c. 16.

Sale of
 Galetta
 Company's
 assets
 confirmed.

11. The agreement dated the 30th day of April, A.D. 1930,
 for sale and transfer by The Galetta Electric Power and
 Milling Company Limited of all its properties, rights, assets,
 franchises and undertakings to The Hydro-Electric Power
 Commission of Ontario is hereby confirmed and declared to
 be legal, valid and binding to all intents and purposes.

Agreements
 for transfer
 of assets of
 certain
 companies
 confirmed.

12. The agreement dated the 31st day of March, A.D. 1930,
 for sale and transfer by Public Utilities Consolidated Corpora-
 tion of all its Ontario properties, rights, assets, franchises and
 undertakings to The Hydro-Electric Power Commission of
 Ontario, and the two agreements each dated the 1st day of
 October, A.D. 1930, for sale and transfer by The Walkerton
 Electric Light and Power Company Limited and by The
 Saugeen Electric Light and Power Company of Ontario
 Limited of all the properties, rights, assets, franchises and
 undertakings of each of the said companies respectively to
 The Hydro-Electric Power Commission of Ontario are all
 hereby confirmed and declared to be legal, valid and binding
 to all intents and purposes.

Confirma-
 tion of title.

13. All and every part of the properties, assets, contracts,
 easements, rights, privileges, licenses, franchises and under-
 takings agreed to be sold to the Commission by any of the
 said agreements mentioned in sections 8, 9 and 10 or conveyed
 or purported to be conveyed to the said Commission thereby
 shall be, and shall be deemed to have been from the date of
 the respective agreement selling, conveying or purporting to
 convey the same, vested in and the property of the Commission
 free from all liens, charges and encumbrances save only that
 everything agreed to be sold, conveyed or purported to be
 conveyed under the said agreement for sale and transfer from
 Wahnapi-
 pitae Power Company Limited to The Hydro-Electric
 Power Commission of Ontario dated the 30th day of April,
 A.D. 1930, shall be subject to the indenture of mortgage dated
 the 1st day of November, A.D. 1924, given by the Wahnapi-
 pitae Power Company Limited to Montreal Trust Company
 as provided in *The Power Commission and Companies Transfer*
Act, 1930.

1930, c. 16.

14. By-law number 1317 of the corporation of the town of Napanee; by-laws numbers 854 and 855 of the corporation of the town of Deseronto; by-law number 818 of the corporation of the town of Southampton; by-laws numbers 1462, 1463 and 1482 of the corporation of the town of Walkerton; by-laws numbers 306 and 307 of the corporation of the town of Wiarton; by-law number A 196 of the corporation of the village of Brighton; by-laws numbers 265 and 267 of the corporation of the village of Cardinal; by-laws numbers 706 and 707 of the corporation of the village of Hastings; by-law number 442 of the corporation of the village of Madoc; by-laws numbers 778, 779 and 786 of the corporation of the village of Port Elgin; by-law number 391 of the corporation of the village of Stirling; by-law number 351 of the corporation of the village of Tweed; by-law number 31 of 1929 of the corporation of the village of Windermere; by-law number 182 of the corporation of the township of Ameliasburg; by-law number 785 of the corporation of the township of Ancaster; by-law number 1047 of the corporation of the township of Bastard and Burgess South; by-laws numbers 614 and 615 of the corporation of the township of Camden East; by-law number A-11 of the corporation of the township of Crosby South; by-law number 1078 of the corporation of the township of East Whitby; by-law number 1228 of the corporation of the township of Hamilton; by-law number 420 of the corporation of the township of Hillier; by-law number 488 of the corporation of the township of Hungerford; by-law number 256 of the corporation of the township of Kingston; by-law number 704 of the corporation of the township of Lobo; by-law number 134B of the corporation of the township of Loughborough; by-laws numbers 1049 and 1050 of the corporation of the township of Manvers; by-law number 698 of the corporation of the township of Medonte; by-law number 604 of the corporation of the township of Rainham; by-law number 549 of the corporation of the township of Rawdon; by-law number 410 of the corporation of the township of Stamford; by-law number 9 of 1930 of the corporation of the township of Thorold; by-law number 455 of the corporation of the township of Trafalgar; by-law number 936 of the corporation of the township of Walpole; by-law number 2 of 1930 of the corporation of the township of Welford; and all debentures issued or to be issued or purporting to be issued under any of the said by-laws which authorize the issue of debentures are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof respectively and shall not be open to question upon any ground whatsoever notwithstanding the requirements of *The Power Commission Act* or the amendments thereto or any other general or special Act of this Legislature.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Power Commission
Act.

1st Reading

March 19th, 1931

2nd Reading

March 25th, 1931

3rd Reading

April 1st, 1931

MR. COOKE

No. 134

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Public Health Act.

MR. ROBB

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Public Health Act, 1931*.

Rev. Stat.,
c. 262, s. 11,
amended.

2. Section 11 of *The Public Health Act* is amended by adding thereto the following subsection:

Powers
of district
officer of
health in un-
organized
territory.

(8) In territory without municipal organization a district officer of health shall have and possess the same rights and powers and shall perform the same duties as are conferred and imposed upon the local municipal councils, local boards of health and local medical officers of health in the administration and enforcement of this Act, *The Vaccination Act* and *The Venereal Diseases Prevention Act*.

Rev. Stat.,
cc. 263, 264.

Rev. Stat.,
c. 262,
amended.

3. *The Public Health Act* is amended by adding thereto the following section:

Clinical
laboratory
centres,—
establish-
ment of.

11a. The Minister may establish and maintain clinical laboratory centres at such places and with such buildings, appliances and equipment as he may deem proper and may give directions from time to time as to the operation of such laboratory centres, the nature and extent of the work to be done and the supplies necessary therefor, and the cost of establishing, furnishing and maintaining any clinical laboratory under this section shall be borne and paid out of such moneys as may be appropriated from time to time by the Legislature for that purpose.

Rev. Stat.,
c. 262, s. 24,
amended.

4.—(1) Section 31 of *The Public Health Act* is amended by striking out all the words at the commencement thereof, down to and including the word "prescribe" in the fourth line and inserting in lieu thereof the words "in any municipality the local board may provide such dental and medical inspection of the pupils of all schools to which the regulations

EXPLANATORY NOTES

Section 2. The subsection added gives additional powers to district officers of health.

Section 3. The purpose of the proposed section is to enable the residents of rural communities to enjoy the same benefits as persons residing in large urban centres and to enable general practitioners in rural areas to have available scientific facilities to assist in diagnosis, etc.

Section 4. This proposed amendment is permissive only and its purpose is to enable municipalities to conduct school health service in secondary schools.

made under *The Department of Education Act* may apply, as the said regulations may prescribe," so that the said section will now read as follows:

Medical
inspection.

31. In any municipality the local board may provide such dental and medical inspection of the pupils of all schools to which the regulations made under *The Department of Education Act* may apply, as the said regulations may prescribe, and, in the absence of such regulations, as the local board may deem proper, and may execute, do and provide all such acts, matters and things as may be found necessary from such inspection.

Rev. Stat.,
c. 262, s. 86,
amended.

- (2) Section 86 of *The Public Health Act* is amended by striking out the words "with any public or separate school board" in the third and fourth lines and inserting in lieu thereof the words "with any school board," and by adding to the said section the following clause:

"School
board,—
meaning of.

- (a) In this section "school board" shall mean and include a board of public or separate school trustees, a board of high school trustees, a board of education and a board of any industrial, commercial or vocational school which is subject to regulations made under *The Department of Education Act*;

so that the section will now read as follows:

Boards
to provide
for medical
and dental
inspection.

86. Subject to any regulations made under *The Department of Education Act*, the local board, upon such terms and conditions as may be agreed upon with any school board shall provide medical and dental inspection for the pupils in the schools of the board and render such other services relating to the health and well-being of the pupils as any such regulation may require and as may be directed by the Minister of Health.

"School
board,"—
meaning of.

- (a) In this section "school board" shall mean and include a board of public or separate school trustees, a board of high school trustees, a board of education and a board of any industrial, commercial or vocational school which is subject to regulations made under *The Department of Education Act*.

Rev. Stat.,
c. 262, s. 54,
subs. 1,
amended.

5. Subsection 1 of section 54 of *The Public Health Act* is amended by adding thereto the following clause:

Milk con-
tainers—dis-
infection of,
in case of
com-
municable
disease.

- (a) Milk bottles and other containers used in the delivery of milk and which may be used again for the same or any other purpose shall not be returned from or

Section 5. *The Public Health Act* as it stands does not prohibit the return of milk bottles and similar containers from any house under quarantine. Many municipalities have by by-law remedied this situation but there is no protection in municipalities where no milk by-law is in force or where the milk by-law does not include such a clause. It is very desirable that this provision be made province-wide.

taken away from any premises under quarantine for any communicable disease until the quarantine shall have been raised and they shall then be removed in such manner as the medical officer of health may direct and before being refilled or used for any other purpose, they shall be disinfected by live steam in such manner as the regulations may require.

Rev. Stat.,
c. 262, s. 92,
subs. 1,
amended.

6. Subsection 1 of section 92 of *The Public Health Act* is amended by adding thereto the following words "and no industrial or other wastes, dangerous or liable to become dangerous to health or to become a nuisance, or to impair the safety, palatability or potability of the water supply of any municipality or riparian owner, shall be discharged into or be deposited in any of the lakes, rivers, streams, or other waters of Ontario, or on the shores or banks thereof," so that the said subsection will now read as follows:

Depositing
filth, etc., in
provincial
waters.

- (1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof, and no industrial or other wastes, dangerous or liable to become dangerous to health or to become a nuisance or to impair the safety, palatability or potability of the water supply of any municipality or riparian owner, shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters of Ontario, or on the shores or banks thereof.

Rev. Stat.,
c. 262, s. 98,
repealed.

7. Section 98 of *The Public Health Act* is repealed and the following substituted therefor:

Repairs and
renewals,
etc.,—
powers of
Department.

98. Every waterworks system, water purification plant, sewer and sewerage system and sewage treatment plant, and appurtenances thereof, established for public use, shall at all times be maintained, kept in repair and operated so as to best secure the protection of the public health, and in such manner and for such purposes as may be directed by any special order of the Department or by the regulations.

Commence-
ment of Act.

8. This Act shall come into force on the day upon which it receives the Royal Assent.

Section 6. The present section is not regarded as sufficiently specific to deal with industrial wastes which may be organic or chemical in nature and may pollute the sources of domestic water supply taken from the stream at a lower point. The amendment is designed to give greater control over wastes of this nature.

Section 7. The present section does not require the plant or parts of the plant to be operated so as to protect the public health. The proposed amendment makes it compulsory that every part of the plant be operated in such a way that the health of the citizens will be fully protected.

BILL

An Act to amend The Public Health Act.

1st Reading

March 20th, 1931

2nd Reading

3rd Reading

MR. ROBB

No. 134

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act to amend The Public Health Act.

MR. ROBB

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 134

1931

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Public Health Act, 1931*.

Rev. Stat.,
c. 262, s. 11,
amended. **2.** Section 11 of *The Public Health Act* is amended by adding thereto the following subsection:

Powers
of district
officer of
health in un-
organized
territory.

(8) In territory without municipal organization a district officer of health shall have and possess the same rights and powers and shall perform the same duties as are conferred and imposed upon the local municipal councils, local boards of health and local medical officers of health in the administration and enforcement of this Act, *The Vaccination Act* and *The Venereal Diseases Prevention Act*.

Rev. Stat.,
co. 263, 264.

Rev. Stat.,
c. 262
amended. **3.** *The Public Health Act* is amended by adding thereto the following section:

Clinical
laboratory
centres,—
establish-
ment of.

11a. The Minister may establish and maintain clinical laboratory centres at such places and with such buildings, appliances and equipment as he may deem proper and may give directions from time to time as to the operation of such laboratory centres, the nature and extent of the work to be done and the supplies necessary therefor, and the cost of establishing, furnishing and maintaining any clinical laboratory under this section shall be borne and paid out of such moneys as may be appropriated from time to time by the Legislature for that purpose.

Rev. Stat.,
c. 262, s. 24,
amended.

4.—(1) Section 31 of *The Public Health Act* is amended by striking out all the words at the commencement thereof, down to and including the word "prescribe" in the fourth line and inserting in lieu thereof the words "in any municipality the local board may provide such dental and medical inspection of the pupils of all schools to which the regulations

made under *The Department of Education Act* may apply, as the said regulations may prescribe," so that the said section will now read as follows:

31. In any municipality the local board may provide such dental and medical inspection of the pupils of all schools to which the regulations made under *The Department of Education Act* may apply, as the said regulations may prescribe, and, in the absence of such regulations, as the local board may deem proper, and may execute, do and provide all such acts, matters and things as may be found necessary from such inspection.
- Medical inspection.
Rev. Stat.,
c. 322.

(2) Section 86 of *The Public Health Act* is amended by striking out the words "with any public or separate school board" in the third and fourth lines and inserting in lieu thereof the words "with any school board," and by adding to the said section the following clause:

Rev. Stat.,
c. 262, s. 86,
amended.

- (a) In this section "school board" shall mean and include a board of public or separate school trustees, a board of high school trustees, a board of education and a board of any industrial, commercial or vocational school which is subject to regulations made under *The Department of Education Act*;
- "School board,"—
meaning of.

so that the section will now read as follows:

86. Subject to any regulations made under *The Department of Education Act*, the local board, upon such terms and conditions as may be agreed upon with any school board shall provide medical and dental inspection for the pupils in the schools of the board and render such other services relating to the health and well-being of the pupils as any such regulation may require and as may be directed by the Minister of Health.
- Boards
to provide
for medical
and dental
inspection.

- (a) In this section "school board" shall mean and include a board of public or separate school trustees, a board of high school trustees, a board of education and a board of any industrial, commercial or vocational school which is subject to regulations made under *The Department of Education Act*.
- "School board,"—
meaning of.

5. Subsection 1 of section 54 of *The Public Health Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 262, s. 54,
subs. 1,
amended.

- (a) Milk bottles and other containers used in the delivery of milk and which may be used again for the same or any other purpose shall not be returned from or
- Milk con-
tainers—dis-
infection of,
in case of
com-
municable
disease.

taken away from any premises under quarantine for any communicable disease until the quarantine shall have been raised and they shall then be removed in such manner as the medical officer of health may direct and before being refilled or used for any other purpose, they shall be disinfected by live steam in such manner as the regulations may require.

Rev. Stat.,
c. 262, s. 92,
subs. 1,
amended.

6. Subsection 1 of section 92 of *The Public Health Act* is amended by adding thereto the following words "and no industrial or other wastes, dangerous or liable to become dangerous to health or to become a nuisance, or to impair the safety, palatability or potability of the water supply of any municipality or riparian owner, shall be discharged into or be deposited in any of the lakes, rivers, streams, or other waters of Ontario, or on the shores or banks thereof," so that the said subsection will now read as follows:

Depositing
filth, etc., in
provincial
waters.

- (1) No garbage, excreta, manure, vegetable or animal matter or filth shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters in Ontario or on the shores or banks thereof, and no industrial or other wastes, dangerous or liable to become dangerous to health or to become a nuisance or to impair the safety, palatability or potability of the water supply of any municipality or riparian owner, shall be discharged into or be deposited in any of the lakes, rivers, streams or other waters of Ontario, or on the shores or banks thereof.

Rev. Stat.,
c. 262, s. 98,
repealed.

7. Section 98 of *The Public Health Act* is repealed and the following substituted therefor:

Repairs and
renewals,
etc.,—
powers of
Department.

98. Every waterworks system, water purification plant, sewer and sewerage system and sewage treatment plant, and appurtenances thereof, established for public use, shall at all times be maintained, kept in repair and operated so as to best secure the protection of the public health, and in such manner and for such purposes as may be directed by any special order of the Department or by the regulations.

Rev. Stat.,
c. 262, s. 87a,
subs. 2,
(1930, c. 52,
s. 3),
repealed.

8. Subsection 2 of section 87a of *The Public Health Act* as enacted by section 3 of *The Public Health Act, 1930*, is repealed.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act to amend The Public Health Act.

1st Reading

March 20th, 1931

2nd Reading

March 25th, 1931

3rd Reading

April 1st, 1931

MR. ROBB

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Cemetery Act.

MR. ROBB

BILL

An Act to amend The Cemetery Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. 1. This Act may be cited as *The Cemetery Act, 1931*.
- Rev. Stat.,
c. 317, s. 10,
subs. 1,
repealed. 2.—(1) Subsection 1 of section 10 of *The Cemetery Act* is repealed and the following substituted therefor:
- Cemetery
Commission. (1) There shall be in every county and provisional judicial district a commission to be known as "The Cemetery Commission."
- In counties. (1a) In the case of a county the commission shall consist of the judge of the county and two other members to be appointed annually by the county council at its first meeting and in the case of a provisional judicial district the commission shall consist of the judge of the district, the sheriff and one other person to be named by the Lieutenant-Governor in Council.
- In
provisional
judicial
districts.
- Chairman. (a) The judge shall be the chairman of the commission.
- Duties of
Commission. (1b) The commission shall be charged with the general supervision of cemeteries and burying grounds in the county or district.
- Fees and
expenses,—
how
payable. (1c) The commission shall be paid such fees as may be fixed from time to time by Order-in-Council and shall also be entitled while engaged in the performance of their duties to reasonable and necessary travelling and other expenses, and such fees and expenses shall be payable by the county or district treasurer upon the certificate of the chairman of the commission.
- Rev. Stat.,
c. 317, s. 10,
subs. 2,
amended. (2) Subsection 2 of the said section 10 is amended by striking out the word "inspectors" where it occurs in the first

EXPLANATORY NOTES

Section 2. This section substitutes a cemetery commission in each county and district for the inspectors who, under the present Act, are appointed by the Lieutenant-Governor in Council. It is manifestly impossible to cover the Province satisfactorily under the present system.

line and inserting in lieu thereof the word "commission" so that the first two lines of the said subsection will now read as follows:

- (2) It shall be the duty of the commission and they shall have power . . .

Rev. Stat.,
c. 317, s. 11,
repealed.

3. Section 11 of *The Cemetery Act* is repealed and the following substituted therefor:

Appoint-
ment of
auditor.

11. The commission may appoint an accountant to examine and audit the books of account of any cemetery company whenever the commission certifies that it is in the interest of the lot owners that such examination should be made, and it shall be the duty of the company to afford the accountant so appointed access to such books of account for the purpose of examination and audit and the accountant shall report the result of his findings to the commission.

Rev. Stat.,
c. 317, s. 36,
subss. 2, 3,
repealed.

4. Subsections 2 and 3 of section 36 of *The Cemetery Act* are repealed and the following substituted therefor:

Refusal or
neglect to
maintain
cemetery.

- (2) Where the council of a municipality neglects or refuses to properly maintain a cemetery under the provisions of this section, the commission shall give notice in writing to the corporation directing the corporation to do whatever in the opinion of the commission should be done by the owner of a cemetery for the proper maintenance thereof, and in case of disobedience to any such order the commission may cause the necessary work to be done and the treasurer of the municipality shall pay the cost of such work, upon the order of the chairman of the commission, to the persons entitled thereto.

Rev. Stat.,
c. 317, s. 37,
amended.

5. Section 37 of *The Cemetery Act* is amended by adding thereto the following subsection:

By-law
to be
approved by
Commission.

- (2) No such by-law shall come into force or take effect until the same has been approved in writing by the commission.

Commence-
ment of Act.

6. This Act shall come into force on the 1st day of July, 1931.

Section 3. This substitutes an accountant appointed by the commission for the officer of the Department of Health who under the present section the Lieutenant-Governor in Council may appoint to audit the books of cemetery companies.

Section 4. The present subsection 2 of section 36, which is repealed, provides for the appointment of inspectors by local municipalities. It is doubtful if this subsection has ever been acted upon.

The new subsection 2, which takes the place of the present subsection 3, substitutes a simpler and more direct method of dealing with a recalcitrant municipality. At present application is made by the corporation of the county or the Department of Health to the Supreme Court for an order, and members of the council are punishable as for contempt in case of disobedience.

Section 5. Section 37 is the section which permits the councils of local municipalities and trustees of police villages to pass by-laws respecting cemeteries. The amendment is intended to standardize these by-laws as far as possible.

BILL

An Act to amend The Cemetery Act.

1st Reading

March 20th, 1931

2nd Reading

3rd Reading

MR. ROBB

No. 135

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act to amend The Cemetery Act.

MR. ROBB

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Cemetery Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- Short title. **1.** This Act may be cited as *The Cemetery Act, 1931*.
- Rev. Stat.,
c. 317, s. 10,
subs. 1,
repealed. **2.**—(1) Subsection 1 of section 10 of *The Cemetery Act* is repealed and the following substituted therefor:
- Cemetery
Commission. (1) There shall be in every county and provisional judicial district a commission to be known as "The Cemetery Commission."
- In counties. (1a) In the case of a county the commission shall consist of three members, one of whom shall be appointed by the Lieutenant-Governor in Council and the other two members to be appointed annually by the county council at its first meeting and in the case of a provisional judicial district the commission shall consist of the judge of the district, the sheriff and one other person to be named by the Lieutenant-Governor in Council.
- In
provisional
judicial
districts.
- Chairman. (a) The member appointed by the Lieutenant-Governor in Council shall be the chairman of the commission.
- Duties of
Commission. (1b) The commission shall be charged with the general supervision of cemeteries and burying grounds in the county or district.
- Fees and
expenses,—
how
payable. (1c) The commission shall be paid such fees as may be fixed from time to time by Order-in-Council and shall also be entitled while engaged in the performance of their duties to reasonable and necessary travelling and other expenses, and such fees and expenses shall be payable by the county or district treasurer upon the certificate of the chairman of the commission.

(2) Subsection 2 of the said section 10 is amended by striking out the word "inspectors" where it occurs in the first line and inserting in lieu thereof the word "commission" so that the first two lines of the said subsection will now read as follows:

Rev. Stat.,
c. 317, s. 10,
subs. 2,
amended.

- (2) It shall be the duty of the commission and they shall have power . . .

3. Section 11 of *The Cemetery Act* is amended by striking out the word "Board" in the fourth line and inserting in lieu thereof the word "Department."

Rev. Stat.,
c. 317, s. 11,
repealed.

4. Subsections 2 and 3 of section 36 of *The Cemetery Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 317, s. 36,
subss. 2, 3,
repealed.

- (2) Where the council of a municipality neglects or refuses to properly maintain a cemetery under the provisions of this section, the commission shall give notice in writing to the corporation directing the corporation to do whatever in the opinion of the commission should be done by the owner of a cemetery for the proper maintenance thereof, and in case of disobedience to any such order the commission may cause the necessary work to be done and the treasurer of the municipality shall pay the cost of such work, upon the order of the chairman of the commission, to the persons entitled thereto.

Refusal or
neglect to
maintain
cemetery.

5. Section 37 of *The Cemetery Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 317, s. 37,
amended.

- (2) No such by-law shall come into force or take effect until the same has been approved in writing by the commission.

By-law
to be
approved by
Commission.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

BILL

An Act to amend The Cemetery Act.

1st Reading

March 20th, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. ROBB

No. 136

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Training Schools.

MR. MARTIN (Brantford)

TORONTO
PRINTED BY HERBERT H. BALL
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 136

1931

BILL

An Act respecting Training Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Ontario Training Schools Act, 1931*.

Interpre- **2.** In this Act,—
tation.

"Board." (a) "Board" shall mean The Ontario Training Schools Board;

"Boy." (b) "Boy" shall mean any male youth a resident in Ontario who is normal in mind and body and capable of receiving an education and training that will enable him to earn a living;

"Depart- (c) "Department" shall mean the Department over which
ment." the Minister has charge;

"Girl." (d) "Girl" shall mean any unmarried female youth a resident in Ontario who is normal in mind and body and capable of receiving an education and training that will enable her to earn a living;

"Inspector." (e) "Inspector" shall mean an inspector appointed under *The Department of Public Welfare Act, 1931* for the purposes of this Act;

"Minister." (f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Muni- (g) "Municipality" shall mean a county, city or separated
cipality." town, except that in a territorial district it shall mean a city, town, village or township;

EXPLANATORY NOTES

General note. With the establishment of a school for girls of a character similar to that established for boys at Bowmanville, it is necessary to provide suitable legislation. For this purpose it is proposed to repeal *The Boys' Welfare Home and School Act* and substitute this Act therefor, making it applicable to schools established either for boys or girls. The new Act is based upon the Act now to be repealed with such modifications and improvements as changed circumstances require and experience with the Bowmanville School suggests. The new Act substitutes for these schools the designation of training schools, which in fact they are, and preserves the original intention that they should not be regarded in any way as places of restraint or detention.

The only provisions of the Bill which call for any special explanation are those relating to the constitution of the Training School Board the functions of which are more definitely established, and the personnel of which is increased from nine to fifteen members having regard to the fact that the Board will now have to deal with matters affecting two or more schools. Also power is given to create committees of the Board so that matters which may affect only one school may be more easily taken care of through a committee.

"Resident." (h) "Resident" shall mean a boy or girl, as the case may be, who has actually resided in a municipality for the period of three months within the five months next prior to admission to a training school;

"Regulations." (i) "Regulations" shall mean regulations made under this Act;

"Superintendent." (j) "Superintendent" shall mean superintendent of a training school;

"Training School." (k) "Training School" shall mean a training school for boys or girls established under this Act.

Training schools,—establishment of. **3.**—(1) Training schools for boys or girls may be established in Ontario to provide the boys or girls admitted therein with a mental, moral and vocational education and training and with profitable employment.

Designation. (2) A training school established under this Act shall bear such name or other designation as the Lieutenant-Governor in Council may give.

Properties vested in the Crown. **4.** All real and personal property acquired by purchase, gift or otherwise pertaining to a training school shall be vested in the Crown represented herein by the Minister of Public Works.

Revenues and expenditures. **5.** The cost of establishing and maintaining training schools shall be paid out of such moneys as may be appropriated for such purpose by the Legislature and all revenues from whatsoever source derived by or pertaining to training schools shall form part of the Consolidated Revenue Fund of Ontario.

Gifts. **6.** Any municipal corporation and any association, corporation or individual may make gifts of real or personal property to a training school.

School wardship over boys and girls. **7.**—(1) Every boy or girl admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school.

Restoration of other wardship. (2) When the Minister provides that the wardship of a training school shall cease upon a boy or girl leaving the school,

he or she shall after leaving be and become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian.

"Board."

8. For the purposes of the training schools established under this Act there is established an advisory board of fifteen members which shall be known as "The Ontario Training Schools Board."

Appoint-
ment of
members of
Board.

9. The members of the Board shall be appointed by the Lieutenant-Governor in Council with the powers and for the purposes hereinafter prescribed. 1927, c. 92, s. 9.

Period of
office

10. The members of the Board shall be appointed for a period of three years except that a member appointed to fill a vacancy shall be appointed for the unexpired term of that member whose office has become vacant.

Chairman
and secre-
tary.

11. The Lieutenant-Governor in Council may from time to time appoint one of the members of the Board to be the chairman thereof and another member to be the secretary thereof.

Meetings
of Board.

12.—(1) The Board shall meet from time to time at the call of the chairman or at the call of the Minister.

Advisory
powers of
Board.

(2) The Board shall act in an advisory capacity to the Minister and when requested by him so to do shall consult with him as to the administration of this Act and of training schools established under this Act and shall assist the Minister by their recommendations in respect thereto.

Committees.

(3) The Minister may from time to time appoint committees of the Board to act on behalf of the Board in respect to any training school.

Visiting and
inspecting
training
schools.

(4) The Board or its committees appointed hereunder shall have power to and shall from time to time visit and inspect training schools to investigate and ascertain the condition of the same and the welfare of the boys and girls therein, particularly in respect to matters of moral, scholastic, occupational and recreational natures and as to their wardship, care, treatment, conduct and discipline, and the Board or committee shall report to the Minister upon every visit and inspection which it may make, with any recommendations resulting therefrom.

Travelling
expenses.

(5) The necessary travelling and other expenses incurred by the members of the Board may be paid out of the moneys appropriated by the Legislature for training schools.

Municipal
per diem
liability.

13.—(1) Subject as in this Act may otherwise be provided, when any boy or girl is admitted to a training school that municipality in which such boy or girl was a resident at the time of admission shall be liable to the Department for and shall pay the sum of seventy-five cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the said boy or girl in the training school.

Notice of
admission
to municipi-
pality.

(2) Upon admission to a training school of any boy or girl the superintendent shall by registered letter notify the clerk of the municipality in which such boy or girl is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the boy or girl.

Notice
disputing
liability.

(3) Unless the clerk of a municipality within fifteen days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the boy or girl referred to therein was not a resident in the municipality at the time of admission, such municipality shall be liable for the charges provided for in this section.

Informa-
tion to be
furnished.

(4) The clerk of a municipality when notifying a superintendent that a boy or girl is not a resident in the municipality shall furnish such information as he may have ascertained with respect to such boy or girl.

County's
right to con-
tribution.

14. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect of any boy or girl for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such boy or girl was a resident at the time of admission to a training school.

Statements
of account to
be rendered.

15. When under this Act the charges for any boy or girl in a training school are payable by a municipality the superintendent shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse.

16. Upon payment by a municipality of any account rendered to it under this Act such municipality may recover from any person liable in law in respect to such boy or girl, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction.

Municipal
right of
recourse
against
proper muni-
cipality.

17. Upon payment by a municipality of any charges under this Act by reason of a boy or girl having been assumed to be a resident in such municipality and it being ascertained that such boy or girl was not a resident therein but at the time of admission to training school was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such boy or girl was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 16.

Recapture of
escaped boys
and girls.

18. If a boy or girl escapes or remains absent without leave from a training school, any officer or servant of the training school or any other person at the request of such officer or servant may without warrant within forty-eight hours after such escape or after such absence becomes known, and within one month where a warrant in form prescribed by the regulations has been issued by the superintendent, retake such escaped or absent boy or girl and return him or her to the training school.

Regulations.

19. Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations for the following purposes:

- (a) For the appointment of superintendents and such officers and employees of training schools as may be deemed necessary and for fixing the salaries and remuneration of such persons as may be so appointed;
- (b) For fixing the age at which and the conditions under which boys and girls may be admitted to a training school and the period during which any boy or girl may be kept at a training school and the conditions under which he or she may leave or be discharged therefrom;
- (c) For regulating the conduct, discipline, training and education of the boys and girls admitted in residence to a training school and for providing for their religious, moral, educational and vocational training and instruction;
- (d) For providing for the use in a training school of such products as may be produced on the premises of the school, and for the sale of any surplus products or articles produced or manufactured on the said premises;
- (e) For the remuneration to be paid to any boy or girl for faithful service; and

(f) Generally for the management and direction of the affairs and maintenance of training schools.

Judges' and
magistrates'
orders for
admission.

20. Where under any Act a boy or girl may be committed to a place of detention or imprisonment the judge or magistrate before whom such boy or girl is charged or appears may with the approval of the Minister in lieu of making any order of committal make an order for admission of such boy or girl to a training school.

Bowmanville
School
continued.
Rev. Stat.,
c. 282.

21. The Boys Welfare home and school heretofore established at Bowmanville under *The Boys' Welfare Home and School Act* is continued as a training school for the purposes and under the provisions of this Act and shall be known as "The Ontario Training School for Boys," and the provisions of this Act shall apply in respect to all boys now at the said school as if they had severally been admitted thereto immediately after this Act comes into force.

Penalty.

22. Any person who contravenes or is a party to contravention directly or indirectly of any of the provisions of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

Repeal.

23. *The Boys' Welfare Home and School Act* being chapter 282 of the Revised Statutes of Ontario, 1927 and *The Boys' Welfare Home and School Act, 1928* are repealed.

Commence-
ment of Act.

24. This Act shall come into force on the day upon which it receives the Royal Assent.

BILL

An Act respecting Training Schools.

1st Reading

March 20th, 1931

2nd Reading

3rd Reading

Mr. MARTIN (Brantford)

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Training Schools.

MR. MARTIN (Brantford)

No. 136

1931

BILL

An Act respecting Training Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Ontario Training Schools Act, 1931*.

Interpre- **2.** In this Act,—
tation.

"Board." (a) "Board" shall mean The Ontario Training Schools Board;

"Boy." (b) "Boy" shall mean any male youth a resident in Ontario who is normal in mind and body and capable of receiving an education and training that will enable him to earn a living;

"Depart- (c) "Department" shall mean the Department over which
ment." the Minister has charge;

"Girl." (d) "Girl" shall mean any unmarried female youth a resident in Ontario who is normal in mind and body and capable of receiving an education and training that will enable her to earn a living;

"Inspector." (e) "Inspector" shall mean an inspector appointed under *The Department of Public Welfare Act, 1931* for the purposes of this Act;

"Minister." (f) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Muni- (g) "Municipality" shall mean a county, city or separated
cipality." town, except that in a territorial district it shall mean a city, town, village or township;

- (h) "Resident" shall mean a boy or girl, as the case may be, who has actually resided in a municipality for the period of three months within the five months next prior to admission to a training school; ^{"Resident."}
- (i) "Regulations" shall mean regulations made under this Act; ^{"Regulations."}
- (j) "Superintendent" shall mean superintendent of a training school; ^{"Superintendent"}
- (k) "Training School" shall mean a training school for boys or girls established under this Act. ^{"Training School."}

3.—(1) Training schools for boys or girls may be established in Ontario to provide the boys or girls admitted therein with a mental, moral and vocational education and training and with profitable employment. ^{Training schools,—establishment of.}

(2) A training school established under this Act shall bear such name or other designation as the Lieutenant-Governor in Council may give. ^{Designation.}

4. All real and personal property acquired by purchase, gift or otherwise pertaining to a training school shall be vested in the Crown represented herein by the Minister of Public Works. ^{Properties vested in the Crown.}

5. The cost of establishing and maintaining training schools shall be paid out of such moneys as may be appropriated for such purpose by the Legislature and all revenues from whatsoever source derived by or pertaining to training schools shall form part of the Consolidated Revenue Fund of Ontario. ^{Revenues and expenditures.}

6. Any municipal corporation and any association, corporation or individual may make gifts of real or personal property to a training school. ^{Gifts.}

7.—(1) Every boy or girl admitted to a training school shall upon admission become a ward of the training school until he or she becomes of age and shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school. ^{School wardship over boys and girls.}

(2) When the Minister provides that the wardship of a training school shall cease upon a boy or girl leaving the school, ^{Restoration of other wardship.}

he or she shall after leaving be and become a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian.

"Board."

8. For the purposes of the training schools established under this Act there is established an advisory board of fifteen members which shall be known as "The Ontario Training Schools Board."

Appoint-
ment of
members of
Board.

9. The members of the Board shall be appointed by the Lieutenant-Governor in Council with the powers and for the purposes hereinafter prescribed. 1927, c. 92, s. 9.

Period
of office.

10. The members of the Board shall be appointed for a period of three years except that a member appointed to fill a vacancy shall be appointed for the unexpired term of that member whose office has become vacant.

Chairman
and secre-
tary.

11. The Lieutenant-Governor in Council may from time to time appoint one of the members of the Board to be the chairman thereof and another member to be the secretary thereof.

Meetings
of Board.

12.—(1) The Board shall meet from time to time at the call of the chairman or at the call of the Minister.

Advisory
powers of
Board.

(2) The Board shall act in an advisory capacity to the Minister and when requested by him so to do shall consult with him as to the administration of this Act and of training schools established under this Act and shall assist the Minister by their recommendations in respect thereto.

Committees.

(3) The Minister may from time to time appoint committees of the Board to act on behalf of the Board in respect to any training school.

Visiting and
inspecting
training
schools.

(4) The Board or its committees appointed hereunder shall have power to and shall from time to time visit and inspect training schools to investigate and ascertain the condition of the same and the welfare of the boys and girls therein, particularly in respect to matters of moral, scholastic, occupational and recreational natures and as to their wardship, care, treatment, conduct and discipline, and the Board or committee shall report to the Minister upon every visit and inspection which it may make, with any recommendations resulting therefrom.

Travelling
expenses.

(5) The necessary travelling and other expenses incurred by the members of the Board may be paid out of the moneys appropriated by the Legislature for training schools.

13.—(1) Subject as in this Act may otherwise be provided, when any boy or girl is admitted to a training school that municipality in which such boy or girl was a resident at the time of admission shall be liable to the Department for and shall pay the sum of seventy-five cents per day towards the cost of maintenance and education of such boy or girl for each actual day's stay of the said boy or girl in the training school. Municipal per diem liability.

(2) Upon admission to a training school of any boy or girl the superintendent shall by registered letter notify the clerk of the municipality in which such boy or girl is or is represented to be a resident, of such admission, giving such particulars as may be ascertainable to enable the clerk to identify the boy or girl. Notice of admission to municipality.

(3) Unless the clerk of a municipality within fifteen days after the date of mailing any such notice to him, shall by registered letter notify the superintendent from whom such notice was received that the boy or girl referred to therein was not a resident in the municipality at the time of admission, such municipality shall be liable for the charges provided for in this section. Notice disputing liability.

(4) The clerk of a municipality when notifying a superintendent that a boy or girl is not a resident in the municipality shall furnish such information as he may have ascertained with respect to such boy or girl. Information to be furnished.

14. The corporation of a county shall have the right to recover not exceeding one-half of the charges paid by it in respect of any boy or girl for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which such boy or girl was a resident at the time of admission to a training school. County's right to contribution.

15. When under this Act the charges for any boy or girl in a training school are payable by a municipality the superintendent shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if the amount of any such account is not paid within a reasonable time after the same has been rendered it may be recovered as a debt in any court of competent jurisdiction. Statements of account to be rendered.

16. Upon payment by a municipality of any account rendered to it under this Act such municipality may recover from any person liable in law in respect to such boy or girl, the amount of the payment so made, and the same may be recovered as a debt in any court of competent jurisdiction. Municipal right of recourse.

Municipal
right of
recourse
against
proper muni-
cipality.

17. Upon payment by a municipality of any charges under this Act by reason of a boy or girl having been assumed to be a resident in such municipality and it being ascertained that such boy or girl was not a resident therein but at the time of admission to training school was a resident in another municipality in Ontario, the municipality which made the said payment may recover the amount thereof as a debt from the municipality in which such boy or girl was a resident and upon payment by that municipality it shall be entitled to exercise the rights of recovery conferred under section 16.

Recapture of
escaped boys
and girls.

18. If a boy or girl escapes or remains absent without leave from a training school, any officer or servant of the training school or any other person at the request of such officer or servant may without warrant within forty-eight hours after such escape or after such absence becomes known, and within one month where a warrant in form prescribed by the regulations has been issued by the superintendent, retake such escaped or absent boy or girl and return him or her to the training school.

Regulations.

19. Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations for the following purposes:

- (a) For the appointment of superintendents and such officers and employees of training schools as may be deemed necessary and for fixing the salaries and remuneration of such persons as may be so appointed;
- (b) For fixing the age at which and the conditions under which boys and girls may be admitted to a training school and the period during which any boy or girl may be kept at a training school and the conditions under which he or she may leave or be discharged therefrom;
- (c) For regulating the conduct, discipline, training and education of the boys and girls admitted in residence to a training school and for providing for their religious, moral, educational and vocational training and instruction;
- (d) For providing for the use in a training school of such products as may be produced on the premises of the school, and for the sale of any surplus products or articles produced or manufactured on the said premises;
- (e) For the remuneration to be paid to any boy or girl for faithful service; and

- (f) Generally for the management and direction of the affairs and maintenance of training schools.

20. Where under any Act a boy or girl may be committed to a place of detention or imprisonment the judge or magistrate before whom such boy or girl is charged or appears may with the approval of the Minister in lieu of making any order of committal make an order for admission of such boy or girl to a training school. Judges' and magistrates' orders for admission.

21. The Boys Welfare home and school heretofore established at Bowmanville under *The Boys' Welfare Home and School Act* is continued as a training school for the purposes and under the provisions of this Act and shall be known as "The Ontario Training School for Boys," and the provisions of this Act shall apply in respect to all boys now at the said school as if they had severally been admitted thereto immediately after this Act comes into force. Bowmanville School continued. Rev. Stat., c. 282.

22. Any person who contravenes or is a party to contravention directly or indirectly of any of the provisions of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 121.

23. *The Boys' Welfare Home and School Act* being chapter 282 of the Revised Statutes of Ontario, 1927 and *The Boys' Welfare Home and School Act, 1928* are repealed. Repeal.

24. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

BILL

An Act respecting Training Schools.

1st Reading

March 20th, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

Mr. MARTIN (Brantford)

No. 137

2ND SESSION, 18TH LEGISLATURE, ONTARIO

21 GEORGE V, 1931

BILL

An Act respecting Charitable Institutions.

MR. MARTIN (Brantford)

TORONTO

PRINTED BY HERBERT H. BALL

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 137

1931

BILL

An Act respecting Charitable Institutions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Charitable Institutions Act, 1931*.

Interpre- 2. In this Act,—
tation.

"Charitable institution." (a) "Charitable institution" shall mean and include a refuge, orphanage or infants' home to which provincial aid is granted;

"Department." (b) "Department" shall mean the Department over which the Minister has charge;

"Inspector." (c) "Inspector" shall mean an officer of the Department designated under this Act as an inspector;

"Minister." (d) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Provincial aid." (e) "Provincial aid" shall mean aid granted to a charitable institution out of moneys appropriated for the purpose by the Legislature;

"Regulations." (f) "Regulations" shall mean any regulations made under this Act.

Act not to apply to certain institutions. 3. Nothing in this Act contained shall relate to or affect a hospital, private hospital or sanatorium under *The Public Hospitals Act, 1931*, *The Private Hospitals Act, 1931* or *The Sanatoria for Consumptives Act, 1931*, or a house of refuge or a district house of refuge under *The Houses of Refuge Act* or *The District Houses of Refuge Act*.

Institutions aided for 1930 approved. 4.—(1) The several refuges, orphanages and infants' homes which under *The Hospitals and Charitable Institutions*

EXPLANATORY NOTES

General note. The new *Public Hospitals Act* and *Private Hospitals Act* involve the repeal of *The Hospitals and Charitable Institutions Act*, thereby necessitating a new and separate *Charitable Institutions Act* to be administered by the Minister of Public Welfare.

This new Act catches up all the provisions of the repealed Act relating to charitable institutions, these provisions being largely confined to payment of provincial grants to refuges, orphanages and infants' homes, and the conditions affecting payment of such grants. In addition, provisions are incorporated for the more effective government and improvement of these institutions, and as will be seen from a perusal of the Act these provisions are very similar to those contained in the new hospital legislation.

For the most part the several sections of the new Act are self-explanatory or already have been explained in the notes accompanying the *Public Hospitals Act*.

Section 10 which deals with provincial grants and the amounts thereof creates no change from the existing sections of the repealed Act dealing therewith.

Act received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be charitable institutions approved under this Act.

Approval
of new
institutions.

(2) No institution building or other premises or place shall hereafter be created, established or incorporated as a refuge, orphanage or infants' home until the same has been approved by the Lieutenant-Governor in Council as a charitable institution.

Operation of
institutions
to be ap-
proved.

(3) No institution building or other premises or place shall be operated or used as a refuge, orphanage or infants' home unless and until the same is approved by the Lieutenant-Governor in Council as a charitable institution.

Suspension
or revocation
of approval.

(4) Any approval given or deemed to have been given under this Act in respect to any charitable institution may be suspended by the Minister or revoked by the Lieutenant-Governor in Council.

Regulations.

5. The Lieutenant-Governor in Council upon the recommendation of the Minister may make such regulations in respect to charitable institutions as may be deemed necessary for,—

Creation,
operation,
etc.

(a) their creation, establishment, incorporation, operation, functions, objects and pursuits;

Inspection,
manage-
ment, etc.

(b) their inspection, control, government, management, conduct and administration;

Construc-
tion, repair,
etc.

(c) the construction, alteration, equipment, maintenance and repair of any buildings or premises owned, operated or used by charitable institutions;

Classi-
fication, etc.

(d) their classification, grades and standards;

Staffs, etc.

(e) their officers, staffs, servants, employees and agents and the powers and duties thereof;

Admission,
etc., inmates.

(f) the admission, treatment, conduct, discipline and discharge of inmates of charitable institutions;

Rates, etc.,
for inmates.

(g) the classification and lengths of stay of and rates and charges for inmates of charitable institutions;

Revenues
and expendi-
tures.

(h) the funds, revenues and expenditures of charitable institutions and the obtaining, procuring and application of such funds and revenues;

- Account-
ing, etc. (i) the records, books, accounting systems, audits, reports and returns to be made and kept by charitable institutions;
- Provincial
aid. (j) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and
- General. (k) all other matters affecting charitable institutions.

Powers
of Depart-
ment. **6.** It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations. And the Department may, from time to time, declare any or all of the regulations to be in force with respect to all charitable institutions or any specified charitable institution or institutions or class or classes thereof and for such time or times as the Department may deem expedient.

Inspectors. **7.** The Minister with the approval of the Lieutenant-Governor in Council may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations.

Powers of
institution. **8.** Every charitable institution shall have power to carry on its undertaking, objects and pursuits as may be authorized by law or by any general or special Act under which it was created, established, incorporated or is empowered so to do, but where any such law of Ontario or any such general or special Act conflicts with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Approval of
by-laws, etc. **9.** No by-law, rule or regulation of any charitable institution receiving provincial aid shall have force or effect until the same is approved by the Lieutenant-Governor in Council.

Distribution
of provincial
aid. **10.—(1)** Subject to the provisions of this Act and of the regulations provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, to any charitable institution on the list of institutions entitled to receive provincial aid, as follows:

- Refuges. (a) For every indigent person an inmate of any such refuge, ten cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

Orphanages,
etc.

- (b) For every infant or child an inmate of any such orphanage or infants' home, if such infant or child is an orphan or neglected or abandoned or the infant or child of an indigent person, five cents per day for each day's actual maintenance of such inmate during the preceding calendar year, and if any such inmate is an infant under one year of age and is being nursed by its mother in such institution, ten cents per day for each day's actual maintenance of such inmate.

Female
refuges.

- (c) For every adult, friendless and indigent female person an inmate of any such refuge, orphanage or infant's home, ten cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

(2) In calculating the amount of provincial aid the day of departure of an inmate of a charitable institution shall not be counted.

No aid
for self-
sustaining
institutions.

11. No provincial aid shall be granted to a charitable institution for any year in which the revenues thereof are equal to or exceed the expenditures for operation and maintenance of the institution, unless the Lieutenant-Governor in Council otherwise directs.

Withdrawal
of aid.

12. No provincial aid shall be granted to any charitable institution the approval of which has been revoked or suspended or to any such institution which does not comply with the provisions of this Act and the regulations.

Restoration
of aid.

13. When from any cause provincial aid to any charitable institution has not been granted or the grant thereof has been withheld or withdrawn, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such charitable institution has been received or until compliance with the provisions of this Act and the regulations is made, as the case may be.

Penalty.

14. Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 121.

Commence-
ment of Act.

15. This Act shall come into force on the 1st day of October, 1931.

BILL

An Act respecting Charitable Institutions.

1st Reading

March 20th, 1931

2nd Reading

3rd Reading

MR. MARTIN (BRANTFORD)

No. 137

2ND SESSION, 18TH LEGISLATURE, ONTARIO
21 GEORGE V, 1931

BILL

An Act respecting Charitable Institutions.

MR. MARTIN (Brantford)

No. 137

1931

BILL

An Act respecting Charitable Institutions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. **1.** This Act may be cited as *The Charitable Institutions Act, 1931*.

Interpre- **2.** In this Act,—
tation.

"Charitable (a) "Charitable institution" shall mean and include a
institution." refuge, orphanage or infants' home to which provincial aid is granted;

"Depart- (b) "Department" shall mean the Department over
ment." which the Minister has charge;

"Inspector." (c) "Inspector" shall mean an officer of the Department designated under this Act as an inspector;

"Minister." (d) "Minister" shall mean the member of the Executive Council charged for the time being with the administration of this Act;

"Provincial (e) "Provincial aid" shall mean aid granted to a charitable
aid." institution out of moneys appropriated for the purpose by the Legislature;

"Regu- (f) "Regulations" shall mean any regulations made
lations." under this Act.

Act not **3.** Nothing in this Act contained shall relate to or affect
to apply a hospital, private hospital or sanatorium under *The Public
to certain Hospitals Act, 1931, The Private Hospitals Act, 1931 or The
institutions.* Sanatoria for Consumptives Act, 1931, or a house of refuge or a
district house of refuge under *The Houses of Refuge Act* or
The District Houses of Refuge Act.

Institutions **4.—(1)** The several refuges, orphanages and infants'
aided for homes which under *The Hospitals and Charitable Institutions
1930
approved.*

Act received aid for the year 1930 from the Province shall for the purposes of this Act and the regulations be deemed to be charitable institutions approved under this Act.

(2) No institution building or other premises or place shall hereafter be created, established or incorporated as a refuge, orphanage or infants' home until the same has been approved by the Lieutenant-Governor in Council as a charitable institution. Approval of new institutions.

(3) No institution building or other premises or place shall be operated or used as a refuge, orphanage or infants' home unless and until the same is approved by the Lieutenant-Governor in Council as a charitable institution. Operation of institutions to be approved.

(4) Any approval given or deemed to have been given under this Act in respect to any charitable institution may be suspended by the Minister or revoked by the Lieutenant-Governor in Council. Suspension or revocation of approval.

5. The Lieutenant-Governor in Council upon the recommendation of the Minister may make such regulations in respect to charitable institutions as may be deemed necessary for,— Regulations.

- (a) their creation, establishment, incorporation, operation, functions, objects and pursuits; Creation, operation, etc.
- (b) their inspection, control, government, management, conduct and administration; Inspection, management, etc.
- (c) the construction, alteration, equipment, maintenance and repair of any buildings or premises owned, operated or used by charitable institutions; Construction, repair, etc.
- (d) their classification, grades and standards; Classification, etc.
- (e) their officers, staffs, servants, employees and agents and the powers and duties thereof; Staffs, etc.
- (f) the admission, treatment, conduct, discipline and discharge of inmates of charitable institutions; Admission, etc., inmates.
- (g) the classification and lengths of stay of and rates and charges for inmates of charitable institutions; Rates, etc., for inmates.
- (h) the funds, revenues and expenditures of charitable institutions and the obtaining, procuring and application of such funds and revenues; Revenues and expenditures.

- Account-
ing, etc. (i) the records, books, accounting systems, audits, reports and returns to be made and kept by charitable institutions;
- Provincial
aid. (j) the distribution, payment, withholding and restoration of and other matters affecting provincial aid; and
- General. (k) all other matters affecting charitable institutions.

Powers
of Depart-
ment. **6.** It shall be the duty of the Department and it shall have power to administer and enforce the provisions of this Act and the regulations. And the Department may, from time to time, declare any or all of the regulations to be in force with respect to all charitable institutions or any specified charitable institution or institutions or class or classes thereof and for such time or times as the Department may deem expedient.

Inspectors. **7.** The Minister with the approval of the Lieutenant-Governor in Council may designate one or more officers of the Department to be inspectors for the purposes of this Act and the regulations, and the powers and duties of such inspectors shall be as prescribed by the regulations.

Powers of
institution. **8.** Every charitable institution shall have power to carry on its undertaking, objects and pursuits as may be authorized by law or by any general or special Act under which it was created, established, incorporated or is empowered so to do, but where any such law of Ontario or any such general or special Act conflicts with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Approval of
by-laws, etc. **9.** No by-law, rule or regulation of any charitable institution receiving provincial aid shall have force or effect until the same is approved by the Lieutenant-Governor in Council.

Distribution
of provincial
aid. **10.—(1)** Subject to the provisions of this Act and of the regulations provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, to any charitable institution on the list of institutions entitled to receive provincial aid, as follows:

- Refuges. (a) For every indigent person an inmate of any such refuge, ten cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

(b) For every infant or child an inmate of any such orphanage or infants' home, if such infant or child is an orphan or neglected or abandoned or the infant or child of an indigent person, five cents per day for each day's actual maintenance of such inmate during the preceding calendar year, and if any such inmate is an infant under one year of age and is being nursed by its mother in such institution, ten cents per day for each day's actual maintenance of such inmate.

Orphanages,
etc.

(c) For every adult, friendless and indigent female person an inmate of any such refuge, orphanage or infant's home, ten cents per day for each day's actual maintenance of such inmate during the preceding calendar year.

Female
refuges.

(2) In calculating the amount of provincial aid the day of departure of an inmate of a charitable institution shall not be counted.

11. No provincial aid shall be granted to a charitable institution for any year in which the revenues thereof are equal to or exceed the expenditures for operation and maintenance of the institution, unless the Lieutenant-Governor in Council otherwise directs.

No aid
for self-
sustaining
institutions.

12. No provincial aid shall be granted to any charitable institution the approval of which has been revoked or suspended or to any such institution which does not comply with the provisions of this Act and the regulations.

Withdrawal
of aid.

13. When from any cause provincial aid to any charitable institution has not been granted or the grant thereof has been withheld or withdrawn, the Lieutenant-Governor in Council may upon the recommendation of the Minister direct that such aid be granted or restored in whole or in part, but not until the approval of such charitable institution has been received or until compliance with the provisions of this Act and the regulations is made, as the case may be.

Restoration
of aid.

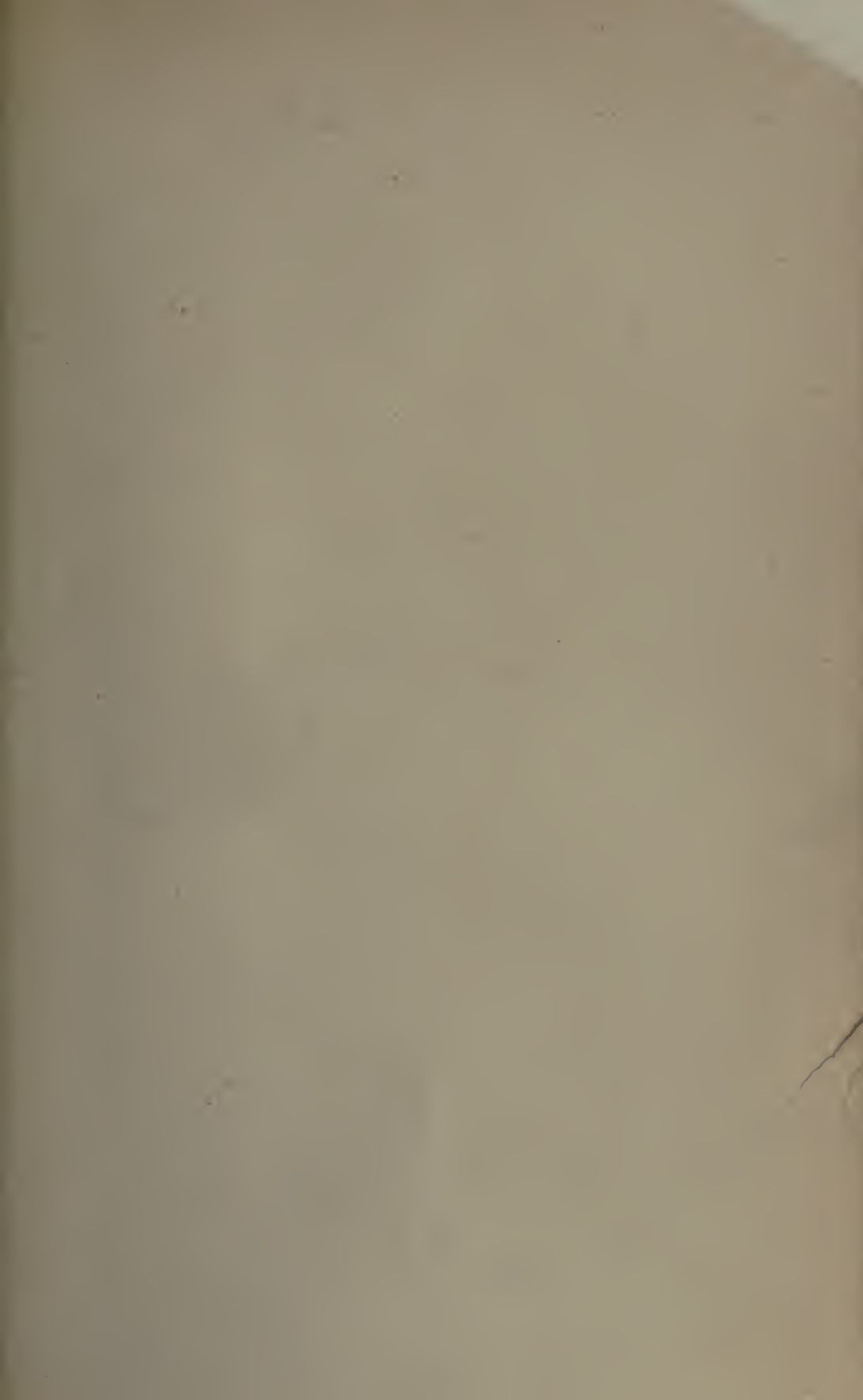
14. Any person who contravenes or is a party to the contravention, directly or indirectly, of any provision of this Act or the regulations shall incur a penalty of not less than \$5 and not exceeding \$500, recoverable under *The Summary Convictions Act*.

Penalty.

Rev. Stat.,
c. 121.

15. This Act shall come into force on the 1st day of October, 1931.

Commence-
ment of Act



An Act respecting Charitable Institutions.

1st Reading

March 20th, 1931

2nd Reading

March 25th, 1931

3rd Reading

March 31st, 1931

MR. MARTIN (Brantford)

